

**TITLE 17. TRANSPORTATION**

**CHAPTER 3. DEPARTMENT OF TRANSPORTATION  
HIGHWAYS**

Authority: A.R.S. § 28-108 et seq.

**ARTICLE 1. REPEALED**

Section

- R17-3-101. Reserved
- R17-3-102. Repealed

**ARTICLE 2. MANAGEMENT OF CONTRACTOR BIDDING**

*Article 2, consisting of Sections R17-3-201 through R17-3-204, adopted effective March 3, 1987.*

Section

- R17-3-201. General
- R17-3-202. Contractor Prequalification
- R17-3-203. Reduced Prequalification Amounts or Disqualifications
- R17-3-204. Access to Department Prequalification Files

**ARTICLE 3. RELOCATION ASSISTANCE**

*Article 3, consisting of Sections R17-3-301 through R17-3-304, repealed; new Article 3, consisting of Sections R17-3-301 through R17-3-306, made by final rulemaking at 9 A.A.R. 1075, effective May 6, 2003 (Supp. 03-1).*

Section

- R17-3-301. Relocation Assistance; Adoption of Federal Regulations
- R17-3-302. Relocation Assistance; 49 CFR Part 24, Subpart A – General
- R17-3-303. Relocation Assistance; 49 CFR Part 24, Subpart C – General Relocation Requirements
- R17-3-304. Relocation Assistance; 49 CFR Part 24, Subpart D – Payments for Moving and Related Expenses
- R17-3-305. Relocation Assistance; 49 CFR Part 24, Subpart E – Replacement Housing Payments
- R17-3-306. Relocation Assistance; Appendix A to Part 24 – Additional Information

**ARTICLE 4. REPEALED**

*Article 4, consisting of Sections R17-3-406 through R17-3-408, repealed by final rulemaking at 8 A.A.R. 849, effective February 8, 2002 (Supp. 02-1).*

Section

- R17-3-401. Repealed
- R17-3-402. Repealed
- R17-3-403. Recodified
- R17-3-404. Repealed
- R17-3-405. Reserved
- R17-3-406. Repealed
- R17-3-407. Repealed
- R17-3-408. Repealed

**ARTICLE 5. RESERVED**

**ARTICLE 6. RESERVED**

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Section

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- R17-3-701.01. Outdoor Advertising Control: Restrictions on the Erection of Billboards and Signs and Restrictions on the Issuance of Permits
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- R17-3-703. Arizona Junkyard Control

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*Article 8 consisting of Sections R17-3-801 through R17-3-809 adopted effective May 30, 1984.*

Section

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- R17-3-803. Request to Designate a Road
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- R17-3-906. Existing Leases
- Illustration A.
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- Illustration C.
- R17-3-907. Repealed
- R17-3-908. Repealed
- R17-3-909. Repealed

**ARTICLE 1. REPEALED**

- R17-3-101. Reserved**
- R17-3-102. Repealed**

**Historical Note**

Former Rule, ASHC Resolution. Former Section R17-3-10 renumbered without change as Section R17-3-102 (Supp. 88-4). Repealed effective May 31, 1991 (Supp. 91-2).

**ARTICLE 2. MANAGEMENT OF CONTRACTOR BIDDING**

**R17-3-201. General**

**A. Definitions.**

1. "Application" means a request for contractor prequalification, consisting of an application booklet available from the Department's office of Contracts and Specifications, and a financial statement prepared according to the requirements of this subsection and R17-3-202.
2. "Board" means the Contractor Prequalification Board.

3. "Compiled financial statement" means a financial statement prepared for form, appropriateness, and arithmetic accuracy. It does not express an opinion or provide any assurance regarding the financial statement.
  4. "Contractor" means the individual, partnership, firm, corporation, joint venture, or any combination acceptable to the Department, that seeks to contract with the Department for constructing or reconstructing state transportation facilities, unless the context requires otherwise.
  5. "Contractor prequalification" means the Department's process of review and evaluation of a contractor's work history and current financial condition before a contractor is allowed to submit a proposal for constructing or reconstructing state transportation facilities.
  6. "Department" means the Arizona Department of Transportation.
  7. "Examined financial statement" means a financial statement that includes the amounts and disclosures in the firm's financial statement, an assessment of the accounting principles used and the significant estimates made by management, and an evaluation of the overall financial statement presentation.
  8. "Financial statement" means a financial report prepared according to generally accepted accounting principles by an independent certified public accountant or an independent public accountant. The financial statement includes a cover letter on the accountant's letterhead, a balance sheet, a statement of cash flows, an income statement, and all notes and appropriate supporting schedules.
  9. "Joint venture" means the combination of two or more contractors for the purpose of submitting a proposal to the Department and performing a contract for constructing or reconstructing state transportation facilities.
  10. "Prequalification amount" means the dollar limitation of each contract, based on the Department's estimate of contract value, for which a contractor may submit a proposal to the Department for constructing or reconstructing state transportation facilities.
  11. "Reviewed financial statement" means a financial statement that includes an inquiry of company personnel, and a review of the analytical procedures applied to the financial data. It does not express an opinion regarding the financial statement taken as a whole.
  12. "State Engineer" has the meaning in A.R.S. § 28-6901(3).
- B. Contractor Prequalification Board.**
1. The State Engineer shall appoint the Board to consider and decide on applications for contractor prequalification.
  2. The Board will be comprised of three Department employees, one of whom shall be a professional engineer, registered by the Arizona Board of Technical Registration, and one a certified or licensed public accountant.
  3. The Board's authority to determine prequalification does not limit the Department's ability to establish additional criteria for contracts.
- Historical Note**
- Adopted effective March 3, 1987 (Supp. 87-1). Amended by final rulemaking at 8 A.A.R. 79, effective December 10, 2001 (Supp. 01-4).
- R17-3-202. Contractor Prequalification**
- A. Criteria.** An applicant for contractor prequalification shall include on the application and the Board shall consider the following information in determining the prequalification amount for a contractor:
1. Key personnel and their work experience,
  2. Organizational structure,
  3. History of past or current projects and contracts,
  4. Company affiliations,
  5. Equipment owned or controlled,
  6. Any applicable licenses,
  7. Type of work requested,
  8. Individuals authorized to act on behalf of the contractor,
  9. Any prequalification or bidding disputes with a government agency, and
  10. Financial condition.
- B. Prequalification Expiration and Extension.**
1. Prequalification expires 15 months after the end of a contractor's fiscal year, as reflected on the financial statement. Due to the time necessary to prepare an examined financial statement, the Board may grant up to a 60 day extension on the expiration of prequalification, if:
    - a. The contractor submits a letter from its accountant stating the reasons for delay in preparing the examined financial statement,
    - b. The letter from the accountant states the anticipated completion date of the examined financial statement, and
    - c. The contractor submits an interim compiled or reviewed financial statement that was prepared within the previous six months.
  2. The Board will notify each contractor in writing of its decision on the contractor's prequalification amount.
- C. Joint Ventures.**
1. Each contractor in a proposed joint venture shall be prequalified. The joint venture shall submit a joint venture statement of intent at least five calendar days before the applicable bid opening date.
  2. If one or more of the parties to the joint venture are corporations, a copy of a resolution from the Board of Directors authorizing the corporation to enter into the joint venture and execute all contract documents shall be submitted with the statement of intent.
  3. Contractors operating as a joint venture on a continuing basis may file for prequalification as a joint venture.
  4. The Board may allow a contractor operating as a joint venture to prequalify for a pro rata share of the entire contract amount. The percentage share of work shall not exceed each individual contractor's prequalification amount.
- D. Classification of Contractors.** The Board shall categorize contractors into the following classifications:
1. Inexperienced firms: Firms that have no experience as contractors in transportation facilities construction work;
  2. New firms: Recently organized firms that have officers with experience with other contractors in positions of responsibility for transportation facilities construction;
  3. Unknown firms: Firms that have experience as contractors but have not completed a transportation facilities construction contract as a contractor for the Department within the past five years or at any time;
  4. Known firms: Firms that have successfully completed at least one transportation facilities construction contract within the past five years as a contractor for the Department.
- E. Classification of Financial Statements.**
1. All financial statements shall be examined, reviewed, or compiled according to generally accepted accounting principles, by either an independent certified public accountant or an independent public accountant, registered and licensed under the laws of any state. A contractor shall not submit a financial statement prepared by

either a certified or public accountant who is directly or indirectly interested in or affiliated with the business of the contractor.

2. A contractor that desires a prequalification amount in excess of \$1.5 million shall submit an examined financial statement.
  3. A contractor that submits a reviewed financial statement will be limited to a maximum prequalification amount of \$1.5 million.
  4. A contractor that submits a compiled financial statement will be limited to a maximum prequalification amount of \$300,000.
- F. Prequalification Limits.** In determining the prequalification amount for each contractor, the amount set by the Board may be less than the maximum amount set out in this subsection due to the Board's evaluation of the contractor's information under R17-3-202(A).
1. Inexperienced firms. An inexperienced firm will be limited to a maximum prequalification amount of \$300,000 until the contractor has satisfactorily completed at least one transportation facilities construction contract for any public agency.
  2. New firms. A new firm will be limited to a maximum prequalification amount of five times the firm's net worth.
  3. Unknown firms. An unknown firm will be limited to a maximum prequalification amount of five times the firm's net worth or the amount of the largest transportation facilities construction contract it has successfully completed as a contractor for any other public agency, whichever is larger.
  4. Known firms. A known firm will be limited to a maximum prequalification amount of ten times the firm's net worth. An unlimited prequalification amount may be granted if the product of ten times the firm's net worth exceeds \$100 million.
  5. All firms. Evidence of additional assets pledged in behalf of a contractor or letters from a contractor's surety company may be considered in establishing higher prequalification amounts than stated in subsections (F)(2) through (F)(4). A parent company that pledges assets in behalf of a contractor shall submit a financial statement.
- G. Reconsideration of Prequalification Determination.**
1. If a contractor is dissatisfied with the Board's decision, the contractor may request in writing a hearing, within 15 days of receiving the Board's decision. The hearing shall be conducted under A.R.S. § 41-1062. The letter shall indicate the basis for the request and shall provide supportive data. The Board shall review the request and accompanying information and decide on the request within 30 calendar days of its receipt.
  2. If the contractor is still dissatisfied with the decision of the Board, the contractor may appeal to the State Engineer. The Board shall notify the contractor about the appeal procedures.
- H. Issuance of Bidding Documents.** A contractor shall not request bid documents for a contract for which it is not prequalified.
- I. The Department may waive the prequalification requirement on an individual contract when it is in the best interest of the state. The advertisement for bids shall identify if prequalification is waived.**

#### Historical Note

Adopted effective March 3, 1987 (Supp. 87-1). Amended by final rulemaking at 8 A.A.R. 79, effective December 10, 2001 (Supp. 01-4).

#### **R17-3-203. Reduced Prequalification Amounts or Disqualifications**

- A.** The Board may reduce the prequalification amount of a contractor already prequalified or disqualify a contractor from bidding if a contractor:
1. Falsifies any document or misrepresents any material fact in the information furnished to the Department;
  2. Fails to enter into a contract with the Department;
  3. Defaults on a previous contract with any public agency;
  4. Has an unsatisfactory work performance record with the Department on the basis of workmanship, competent superintendence, adequate and proper equipment, timely completion, or failure to submit required documentation for closing out a contract; or
  5. Fails to provide notification to the Board, within 30 calendar days of occurrence, of any change in ownership, corporate officers or general partners, bankruptcy, receivership, court supervised reorganization, or the entry of a judgment in a judicial or administrative proceeding adverse to the contractor.
- B.** The Board shall notify a contractor in writing of its intention to reduce the prequalification amount or to disqualify a contractor. The Board's notice to reduce prequalification or to disqualify a contractor shall become a final determination unless the contractor requests a hearing with the Board within 20 calendar days after receiving such notification. The Board shall notify the contractor about the hearing procedures.
- C.** The contractor may appeal the Board's decision to the State Engineer. The Board shall notify the contractor about the appeal procedures.

#### Historical Note

Adopted effective March 3, 1987 (Supp. 87-1). Amended by final rulemaking at 8 A.A.R. 79, effective December 10, 2001 (Supp. 01-4).

#### **R17-3-204. Access to Department Prequalification Files**

Prequalification files are considered to be strictly confidential. The files will be available only to:

1. Members of the Board,
2. The Director of the Department or any authorized agents of the Department,
3. Members of the Arizona State Transportation Board,
4. The division administrator of the Federal Highway Administration or any authorized representatives,
5. Agents of surety upon the filing of an application for bond duly signed by an authorizing party of the prequalified contractor,
6. Members of the Arizona State Board of Accountancy or their duly authorized representatives, and
7. The contractor that is the subject of the file.

#### Historical Note

Adopted effective March 3, 1987 (Supp. 87-1). Amended by final rulemaking at 8 A.A.R. 79, effective December 10, 2001 (Supp. 01-4).

### **ARTICLE 3. RELOCATION ASSISTANCE**

*Article 3, consisting of Sections R17-3-301 through R17-3-304, repealed; new Article 3, consisting of Sections R17-3-301 through R17-3-306, made by final rulemaking at 9 A.A.R. 1075, effective May 6, 2003 (Supp. 03-1).*

#### **R17-3-301. Relocation Assistance; Adoption of Federal Regulations**

- A.** The Department incorporates by reference 49 CFR 24.2, 24.3, 24.5, 24.8, 24.9, 24.10, 24.202, 24.203, 24.204, 24.205, 24.206, 24.207, 24.208, 24.301, 24.302, 24.303, 24.304,

24.305, 24.306, 24.401, 24.402, 24.403, 24.404, 24.501, 24.502, 24.503, 24.504, 24.505, and Appendix A to Part 24 published October 1, 2001, and no later amendments or editions, as amended by R17-3-301 through R17-3-306. The incorporated material is on file with the Arizona Department of Transportation and the Office of Secretary of State. An unofficial version of the federal regulations is available at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>.

- B.** The following definitions apply for the purpose of R17-3-301 through R17-3-306 unless indicated otherwise.

“Department” means the Arizona Department of Transportation.

#### Historical Note

Former Rule, Right of Way Resolution 70-60. Former Section R17-3-12 renumbered without change as Section R17-3-301 (Supp. 88-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 1075, effective May 6, 2003 (Supp. 03-1).

#### **R17-3-302. Relocation Assistance; 49 CFR Part 24, Subpart A – General**

- A.** 49 CFR 24.2, “Definitions” is amended as follows:

1. “Agency” means the Arizona Department of Transportation.
2. “Business” is amended to read:  
The term business means any lawful activity, including a farm operation, that is conducted:
3. “Comparable replacement dwelling” is amended at paragraph (8)(i) to read:  
A replacement dwelling purchased by a homeowner in occupancy at the displacement dwelling for at least 180 days before initiation of negotiations (180-day homeowner) is considered to be within the homeowner’s financial means if the homeowner will receive the price differential as described in Sec. 24.401(c), all increased mortgage interest costs as described at Sec. 24.401(d) and all incidental expenses as described at Sec. 24.401(e), plus any additional amount required to be paid under Sec. 24.404, Replacement housing of last resort.
4. “Contribute materially” is amended to read:  
The term “contribute materially” means that during the two taxable years before the taxable year in which displacement occurs, a business:
  - a. Contributed at least 33 1/3 percent of the owner’s or operator’s average annual gross income from all sources,
  - b. Registered and has a use permit from the local political subdivision, and
  - c. Submitted federal income tax returns for the last two years.
5. “Decent, safe, and sanitary dwelling” is amended to read:  
The term decent, safe, and sanitary dwelling means a dwelling which meets applicable housing and occupancy codes. However, any of the following standards which are not met by an applicable code shall apply unless waived for good cause by the federal agency or state agency funding the project. The dwelling shall:
  - a. Be structurally sound, weathertight, and in good repair;
  - b. Contain a safe electrical wiring system adequate for lighting and other devices; and
  - c. Contain heating and cooling systems capable of sustaining a healthful temperature for a displaced person, except in those areas where local climatic conditions do not require such systems.
6. “Displaced person” is amended to read:

- a. General. The term “displaced person” means, except as provided in the definition of “persons not displaced,” any person who is required to move from the real property or moves his or her personal property from the real property as a direct result of the real property being acquired in whole or in part for an approved State project as a result of a written notice of intent to acquire:

- i. This includes a person who occupies the real property before its acquisition but does not meet the length of occupancy requirements for relocation assistance other than reimbursement of moving expenses.
- ii. Any person who does not meet the statutory occupancy requirements and is unable to obtain comparable replacement housing within the person’s financial means is eligible for assistance only under Sections 24.401 and 24.402, as qualified by Section 24.404, in obtaining comparable, decent, safe and sanitary housing.

- b. “Persons not displaced” is amended as follows:

- i. Amend paragraph (2)(i) to read:  
A person who moves before the initiation of negotiations unless this requirement is waived by the Department due to a move necessitated for reasons beyond the person’s control.
- ii. Delete paragraphs (2)(v), (2)(viii), (2)(ix), and (2)(x).

7. “Initiation of negotiations” is amended to have the same meaning as prescribed in A.R.S. § 28-7141(8).
8. “Notice of intent to acquire or notice of eligibility for relocation assistance” is amended to read:  
Written notice furnished to a person to be displaced that establishes eligibility for relocation benefits before the initiation of negotiation.
9. “Owner of dwelling” is amended as follows:  
Subsection (3) is deleted.
10. “Program or project” is amended to read:  
The phrase “program” or “project” means any displacing activity or series of activities undertaken by the Department, related to construction or reconstruction of a transportation facility or a facility necessary for maintaining a transportation facility.
11. “Salvage value” is deleted.
12. “State” is amended to read:  
“State” means a state of the United States or the District of Columbia.
13. “Uneconomic remnant” is deleted.
14. “Uniform Act” is amended to read:  
The term “Uniform Act” refers to A.R.S. §§ 28-7141 through 28-7156.
15. “Unlawful occupancy” is amended to read:  
A person is considered to be in unlawful occupancy if:
  - a. A court of competent jurisdiction has found the person guilty of forcible entry and detainer, or forcible detainer (under A.R.S. §§ 12-1171 through 12-1183) before the initiation of negotiations, or
  - b. The Department determines that the person is occupying the real property without the permission of the owner and has no legal right to occupy the property under state law.
16. “Utility costs” is amended to read:  
The term “utility costs” means expenses for electrical, gas, water, and sewer.
17. “Utility facility” is deleted.
18. “Utility relocation” is deleted.

**B. 49 CFR 24.5 “Manner of notices” is amended to read:**

Each notice the Agency is required to provide to a property owner or occupant under this part shall be personally served or sent by certified or registered first-class mail, return receipt requested, and documented in Agency files. Each notice shall be written in plain, understandable language. Persons who are unable to read and understand the notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.

**C. 49 CFR 24.9 “Recordkeeping and reports” is amended as follows:**

1. Paragraph (a) Records. The Agency shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this part. These records shall be retained for at least five years after each owner of a property and each person displaced from the property receives the final payment to which he or she is entitled under this part, or in accordance with the applicable regulations of the federal funding agency, whichever is later.
2. Paragraph (c) is deleted.

**D. 49 CFR 24.10 “Appeals” is amended to read:**

In addition to the provisions of A.R.S. §§ 41-1061 through 41-1067, the following provisions apply:

1. Actions which may be appealed. A person who believes the Department has failed to determine properly the person’s eligibility for or the amount of a relocation payment, may file a written appeal. A person shall include all contested issues in one appeal.
2. Process. To appeal, a person shall submit a letter stating name and address, and the reasons for disagreeing with the Department’s decision to the Right-of-Way Group, Arizona Department of Transportation, 205 S. 17th Ave., MD 612E, Phoenix, AZ 85007-3212.
3. Time limit. The person shall file the written appeal within 60 days after receiving notice of the Department’s determination on the person’s claim. The date the appeal request is received begins the official time limit constraints, as prescribed in subsections (D)(4) and (D)(8). Filing the appeal does not extend any eligibility periods or a required date to vacate a property.
4. Hearing date. Within 45 days of receiving the appeal request, the Department shall set a mutually acceptable date for a hearing before a hearing officer.
5. Review of files. Upon making a written request to the address in subsection (D)(2), the person may review and copy any non-confidential documentation contained in the Department’s files regarding the person’s appeal.
6. Scope of review. The Department shall consider and review the person’s arguments, statements, and documents in support of the appeal, allowing reasonable latitude for the hearing of relevant material.
7. Right to representation. The person has a right to be represented by legal counsel or other representative in connection with the person’s appeal, but solely at the person’s own expense.
8. Determination. Within 30 days of the hearing, the hearing officer shall make a recommendation to the Chief Right-of-Way Agent. The Department shall promptly issue a written decision and provide a copy to the person by certified mail. The Department shall explain the basis on which its decision was made, and what relief, if any, is to be provided.

9. If the Department does not grant the relief requested, the Department shall advise the person of the right to seek judicial review.

**E. Conflict of interest. If a displaced person is an employee of the state, or of a political subdivision involved in a joint project with the displacing agency, the Department shall forward the displaced person’s file to the Office of the Attorney General for settlement purposes and decision.****F. The Department shall determine whether a person is required to relocate permanently as a direct result of a project.****Historical Note**

Former Rule, Right of Way Resolution 71-42. Former Section R17-3-13 renumbered without change as Section R17-3-302 (Supp. 88-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 1075, effective May 6, 2003 (Supp. 03-1).

**R17-3-303. Relocation Assistance; 49 CFR Part 24, Subpart C – General Relocation Requirements****A. 49 CFR 24.203(b) “Notices of relocation eligibility” is amended to read:**

Notice of relocation eligibility. Eligibility for relocation assistance shall begin on the date of the notice of intent to acquire or notice of eligibility for relocation assistance (defined in Sec. 24.2) for the occupied property. When this occurs, the Agency shall promptly notify all occupants in writing of their eligibility for applicable relocation assistance.

**B. 49 CFR 24.205 “Relocation planning, advisory services, and coordination” is amended as follows.****1. Paragraph (a) is amended to read:**

Relocation planning. During the early stages of development, federal and federal-aid programs or projects will be planned in a manner that the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations are recognized and solutions are developed to minimize the adverse impacts of displacement. The planning, appropriate to the scope, complexity, and scheduling shall precede any action by an Agency which will cause displacement. The planning should be scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations. If timing or scheduling is restricted, the planning may be limited. Planning may involve a relocation survey or study which may include the following:

**2. Paragraph (b) is deleted.****C. 49 CFR 24.206 is amended to read:**

1. Eviction for cause must conform to A.R.S. §§ 12-1171 through 12-1183. The Department may determine that a person who is an unlawful occupant (as defined in 49 CFR 24.2) is still eligible for advisory relocation assistance, using the following factors:

- a. The person received an eviction notice before the initiation of negotiations and, as a result of that notice is later evicted;
- b. The person is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease or occupancy agreement;
- c. The eviction was not undertaken for the purpose of evading the obligation to make available the payments and other assistance set forth in this part;
- d. The person occupying the property and the owner dispute the issue of lawful occupancy;

- e. The duration of prior legal occupancy of the person occupying the property;
  - f. Financial or medical hardship of the person occupying the property; or
  - g. The cost of the relocation assistance is less than the cost of an appeal.
2. For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves, or if later, the date a comparable replacement dwelling is made available.
  3. The state may initiate eviction proceedings due to:
    - a. Unlawful activities being conducted on state-owned property,
    - b. Willful destruction of state-owned property,
    - c. Refusal to vacate state-owned property after all required notices to vacate have been delivered and appropriate assistance provided, or
    - d. Failure to pay rent when there is no hardship.

#### Historical Note

Former Rule, Right of Way Resolution 71-69. Former Section R17-3-14 renumbered without change as Section R17-3-303 (Supp. 88-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 1075, effective May 6, 2003 (Supp. 03-1).

#### R17-3-304. Relocation Assistance; 49 CFR Part 24, Subpart D – Payments for Moving and Related Expenses

- A. 49 CFR 24.301 “Payment for actual reasonable moving and related expenses-residential moves” is amended as follows.
  1. Paragraph (d) is amended to read:
 

Storage, if necessary to accommodate the Department’s project schedule, for a period not to exceed 12 months.
  2. Paragraph (f) is deleted.
- B. 49 CFR 24.303 “Payments for actual reasonable moving and related expenses-nonresidential moves” is amended as follows.
  1. Paragraphs (a)(7) and (a)(13)(iv) are deleted.
  2. Paragraph (a)(8) is amended to read:
 

Professional services necessary for:

    - i. Planning the move of the personal property, when the Department approves in advance the quantity and type of planning,
    - ii. Moving the personal property, and
    - iii. Installing the relocated personal property at the replacement location.
  3. Paragraph (a)(10)(i) is amended to read:
 

The market value of the item for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the Agency determines that the effort is not necessary. When payment for property loss is claimed for goods held for sale, the market value shall be based on the cost of the goods to the business, not the potential selling price.); or
  4. Paragraph (c) is amended to read:
 

Self-moves. If the displaced person elects to take full responsibility for the move of the business or farm operation, the Agency may make a payment for the person’s moving expenses in an amount not to exceed the lower of two acceptable bids or estimates obtained by the Agency. At the Agency’s discretion, a payment for a low cost or uncomplicated move may be based on a single bid or estimate. The Agency has sole authority to determine, in the best

interests of the Agency and the displaced business or farm operation, if a self-move will be permitted.

5. Paragraph (e) is amended to read:
 

Advertising signs. The amount of a payment for direct loss of an on-premise advertising sign which is personal property shall be the lesser of:

  - a. (1) The depreciated reproduction cost of the sign, as determined by the Agency, less the proceeds from its sale; or
  - b. (2) The estimated cost of moving the sign, but with no allowance for storage.
- C. 49 CFR 24.305(h) for “Ineligible moving and related expenses” is amended to read:
 

Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Agency, except as required under A.R.S. § 28-7153.

#### Historical Note

Former Rule, Right of Way Resolution 70-51. Former Section R17-3-11 renumbered without change as Section R17-3-304 (Supp. 88-4). Section repealed; new Section made by final rulemaking at 9 A.A.R. 1075, effective May 6, 2003 (Supp. 03-1).

#### R17-3-305. Relocation Assistance; 49 CFR Part 24, Subpart E – Replacement Housing Payments

- A. 49 CFR 24.401 “Replacement housing payment for 180-day homeowner-occupants” is amended as follows.
  1. Paragraph (c)(4)(iii) is amended to read:
 

The current market value for residential use of the replacement site (see Appendix A of this part, Sec. 24.401(c)(4)(iii)), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site; and
  2. Paragraph (d)(3) is amended to read:
 

The interest rate on the new mortgage used in determining the amount of the payment shall not exceed the prevailing fixed interest rate for conventional mortgages currently charged by mortgage lending institutions in the area in which the replacement dwelling is located. If a displaced person chooses to buy down the interest rate, the Agency shall:

    - a. Require documents indicating the initial interest rate,
    - b. Require documents indicating the final interest rate, and
    - c. Limit reimbursement to the lower of the amount the displaced person actually paid or the amount qualified under the established market interest rate.
  3. Paragraph (e)(1) is amended to read:
 

Closing and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees.
  4. Paragraphs (e)(7) and (e)(8) are deleted.
- B. 49 CFR 24.402 “Replacement housing payment for 90-day occupants” is amended as follows.
  1. Paragraph (b)(2)(i) is amended to read:
 

The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the Agency. (For an owner-occupant, use the market rent for the displacement dwelling. For a tenant who paid little or no rent for the displacement dwelling, use the market rent, unless its use would result in a hardship because of the person’s income or other circumstances); or
  2. Paragraph (c)(1) is amended to read:

Amount of payment. An eligible displaced person who purchases a replacement dwelling is entitled to a down-payment assistance payment in the amount the person would receive under paragraph (b) of this section if the person rented a comparable replacement dwelling.

C. 49 CFR 24.403 “Additional rules governing replacement housing payments” is amended as follows.

1. Paragraph (a)(1) is amended to read:

At least one comparable replacement dwelling shall be examined. If more than one dwelling is examined, then the payment shall be computed on the basis of the dwelling most nearly representative of, and equal to, or better than, the displacement dwelling. An adjustment shall be made to the asking price of any dwelling, to the extent justified by local market data (see also Sec. 24.205(a)(2) and Appendix A of this part). An obviously overpriced dwelling will be ignored.

2. Paragraph (a)(3) is amended to read:

If the acquisition of a portion of a typical residential property causes the displacement of the owner from the dwelling and the remainder is a buildable residential lot, the Agency may offer to purchase the entire property. If the owner refuses to sell the remainder to the Agency, the market value of the remainder may be added to the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.

3. Paragraph (c)(6) is amended to read:

Currently owns a previously purchased dwelling and site, valuation of which shall be on the basis of current market value.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1075, effective May 6, 2003 (Supp. 03-1).

**R17-3-306. Relocation Assistance; Appendix A to Part 24 – Additional Information**

A. Appendix A, Section 24.9 “Recordkeeping and Reports” is deleted.

B. Appendix A, Subpart B – “Real Property Acquisition” is deleted.

C. Appendix A, Section 24.204(a) “General” is amended to read:

This provision requires that no one may be required to move from a dwelling without one comparable replacement dwelling having been made available. In addition, Sec. 24.204(a) requires that, “Where possible, three or more comparable replacement dwellings shall be made available.” Only in situations where three comparable replacement dwellings are not available (e.g., when the local housing market does not contain three comparable dwellings) may the Agency make fewer than three referrals.

D. Appendix A, Section 24.307 “Discretionary Utility Relocation Payments” is deleted.

E. Appendix A, Section 24.401(c) “Price differential” is amended to read:

The provision in Sec. 24.401(c)(4)(iii) to use the current market value for residential use does not mean the Agency must have the property appraised. Any reasonable method for arriving at the market value may be used.

F. Appendix A, Section 24.402 “Replacement Housing Payment for 90-Day Occupants” is deleted.

G. Appendix A, Section 24.403 “Additional Rules Governing Replacement Housing Payments” Section 24.403(a)(1) is amended to read:

The procedure for adjusting the asking price of comparable replacement dwellings requires that the agency pro-

vide advisory assistance to the displaced person concerning negotiations so that he or she may enter the market as a knowledgeable buyer. If a displaced person elects to buy the selected comparable, but cannot acquire the property for the adjusted price, it is appropriate to increase the replacement housing payment to the actual purchase amount.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1075, effective May 6, 2003 (Supp. 03-1).

**ARTICLE 4. REPEALED**

**R17-3-401. Repealed**

**Historical Note**

Former Rule, Traffic Engineering Resolution; Repealed effective June 18, 1979 (Supp. 79-3). New Section R17-3-05 adopted effective August 4, 1982 (Supp. 82-4). Former Section R17-3-05 renumbered without change as Section R17-3-401 (Supp. 88-4). Section repealed by final rulemaking at 7 A.A.R. 2750, effective June 7, 2001 (Supp. 01-2).

**R17-3-402. Repealed**

**Historical Note**

Former Rule, ASHC Resolution. Repealed effective January 3, 1977 (Supp. 77-1). New Section R17-3-08 adopted effective March 25, 1982 (Supp. 82-2). Former Section R17-3-08 renumbered without change as Section R17-3-402 (Supp. 88-4). Section repealed by final rulemaking at 7 A.A.R. 2748, effective June 7, 2001 (Supp. 01-2).

**R17-3-403. Recodified**

**Historical Note**

Former Rule, Right of Way Resolution 71-15. Former Section R17-3-09 renumbered without change as Section R17-3-403 (Supp. 88-4). Section recodified to A.A.C. R17-4-428 at 7 A.A.R. 1260, effective February 20, 2001 (Supp. 01-1).

**R17-3-404. Repealed**

**Historical Note**

Adopted as an emergency effective April 13, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Former Section R17-3-20 renumbered without change as Section R17-3-404 (Supp. 88-4). Section repealed by final rulemaking at 7 A.A.R. 2750, effective June 7, 2001 (Supp. 01-2).

**R17-3-405. Reserved**

**R17-3-406. Repealed**

**Historical Note**

Former Rule, Traffic Engineering Report. Former Section R17-3-02 renumbered without change as Section R17-3-406 (Supp. 88-4). Section repealed by final rulemaking at 8 A.A.R. 849, effective February 8, 2002 (Supp. 02-1).

**R17-3-407. Repealed**

**Historical Note**

Former Rule, ASHC Resolution; Former Section R17-3-06 repealed, new Section R17-3-06 adopted effective April 25, 1978 (Supp. 78-2). Former Section R17-3-06 renumbered without change as Section R17-3-407 (Supp. 88-4). Section repealed by final rulemaking at 8 A.A.R. 849, effective February 8, 2002 (Supp. 02-1).

**R17-3-408. Repealed****Historical Note**

Former Rule, General Order 21. Former Section R17-3-08 renumbered without change as Section R17-3-408 (Supp. 88-4). Section repealed by final rulemaking at 8 A.A.R. 849, effective February 8, 2002 (Supp. 02-1).

**ARTICLE 5. RESERVED****ARTICLE 6. RESERVED****ARTICLE 7. HIGHWAY ENCROACHMENTS AND PERMITS****R17-3-701. Outdoor advertising control**

**A.** Purpose. The purpose of this subsection is to present the definitions of specialized terms used in describing outdoor advertising signs and matters relating thereto and to present a portion of the Arizona Revised Statutes dealing specifically with the regulation of certain advertising displays.

1. Definition of terms. Terms used in this rule are defined as follows:

- a. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish.
- b. "Re-erection" means the placing of any sign in a vertical position subsequent to its initial erection. Re-erection shall only occur in the event the sign has been damaged by tortious acts, acts of God such as wind, rain, flooding, or in the course of normal maintenance.
- c. "Lease" means an agreement, oral or in writing by which possession or use of land or interests therein is given by the owner to another person for a specified period of time.
- d. "Illegal sign" means one which was erected and/or maintained in violation of the state law.
- e. "On-premise sign" means any sign that meets the following requirements (such signs are not controlled by state statutes):
  - i. Premises. The sign must be located on the same premises as the activity or property advertised.
  - ii. Purpose. The sign must have as its purpose:
    - (1) The identification of the activity, or its products or services, or
    - (2) The sale or lease of the property on which the sign is located, rather than the purpose of general advertising.
  - iii. In the case of an on premise sign advertising an activity, the premises will include all actual land used or occupied for such activity, including its buildings, parking, storage and service areas, streets, driveways and established front, rear, and side yards constituting an integral part of such activity, provided the sign is located on property under the same ownership or lease as the activity. Uses of land which serves no reasonable or integrated purpose related to the activity other than to attempt to qualify the land for signing purposes will not be considered as premises. Generally these will be inexpensive facilities, such as picnic, playgrounds, walking paths, or fences.
- f. "Off-premise sign" means an outdoor advertising sign which advertises an activity, service or product and which is located on premises other than the pre-

mises at which such activity or service occurs or product is sold or manufactured.

- g. "Nonconforming sign" means one which was lawfully erected but which does not comply with the provisions of state law or state laws passed at a later date or which later fails to comply with state law or state regulations due to changed conditions. Illegally erected or maintained signs are not nonconforming signs.
- h. "Maintain" means to allow to exist, including such activities necessary to keep the sign in good repair, safe condition, and change of copy.
- i. "Scenic area" means any area of particular scenic beauty or historical significance as determined by the federal, state, or local officials having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation, and enhancement of scenic beauty.
- j. "Parkland" means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.
- k. "Federal or state law" means a federal or state constitutional provision or statute, or an ordinance, rule, or regulation enacted or adopted by a state or federal agency or a political subdivision of a state pursuant to a federal or state constitution or statute.
- l. "Scenic overlook or rest area" - an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control for the convenience of the traveling public.
- m. "Abandoned sign" means a sign for which neither the sign owner nor the landowner claim any responsibility.
- n. "Double-faced sign" means a sign which has two faces facing in the same direction.
- o. "Back-to-back sign" means a sign which carries faces attached on each side of the structure, being read from opposite directions.
- p. "V-type signs" - signs which are oriented at an angle to each other, the nearest points of which are not more than ten feet apart.
- q. "Face" means the surface of an outdoor advertising structure on which the design is posted or painted, usually made of galvanized metal sheets, fiberboard, plywood or plastic.
- r. "Landmark sign" means a sign of historic or artistic significance which existed on October 22, 1965 which may be preserved or maintained as determined by the Director and approved by the Secretary of Transportation.
- s. "Normal maintenance (nonconforming sign)," is that customary to keep a sign in ordinary repair, upkeep or refurbishing. Such maintenance will not exceed 50% of the appraised value of the sign. Repairs will be allowed for fires, winds, explosions, or other acts of God. Current appraisal schedules will be used in making value determinations. Normal maintenance also includes re-erection at the same location or within a reasonable distance of the original location, not to exceed ten feet.
- t. "Intended to be read from the main traveled way" is defined by any of the following criteria:
  - i. More than 80% of the average daily traffic (as determined by ADOT traffic counts) viewing the outdoor advertising is traveling in either or both directions along the main-traveled way.

- ii. Message content is of such a nature that it would be only of interest for the traffic using the main-traveled way.
  - iii. The sales value of the outdoor advertising is directly attributable to advertising circulation generated by traffic along the main-traveled way.
  - u. “Within the view of and directed at the main-traveled way” means any sign which is readable from the main-traveled way for more than five seconds traveling at the posted speed limit or for such a time as the whole message can be read whichever is less.
  - v. “Interchange” means a junction of two or more highways by a system of separate levels that permit traffic to pass from one to another without the crossing of traffic streams.
2. State statute regarding outdoor advertising. The following portion from Title 28 of the Arizona Revised Statutes is the authority for and is relevant to the content and intent of this rule. This portion of the A.R.S. is from Title 28, amended effective August 22, 1975. Exhibits 1 through 8 portray the essence of requirements promulgated by these statutes.

#### **“CHAPTER 16 BEAUTIFICATION OF HIGHWAYS**

#### **ARTICLE 1. REGULATION OF CERTAIN ADVERTISING DISPLAYS**

##### **“28-2101. Definitions**

In this Article, unless the context otherwise requires:

1. “Business area” means an area outside municipal limits embracing all of the land on the same side of the highway on which one or more commercial or industrial activities are conducted, including all land within one thousand feet measured in any direction from the nearest edge of the actual land used or occupied for such activity, including its parking, storage and service areas, its driveways and its established front, rear and side yards, constituting an integral part of such activity and which is zoned, under authority of law, primarily to permit industrial or commercial activity. However, when one or more commercial or industrial activities are located within one thousand feet of a freeway interchange, the business area shall extend three thousand feet measured in each direction parallel to the freeway from the center line of the crossroad, but shall not extend beyond the limits of the established commercial or industrial zone.
2. “Freeway” means a divided arterial highway on the interstate or primary system with full control of access and with grade separations at intersections.
3. “Information center” means a site established and maintained at a safety rest area for the purpose of informing the public of places of interest within the state and providing other information the transportation board considers desirable.
4. “Interstate system” means that portion of the national system of interstate and defense highways located within this state as may now or hereafter be officially designated by the transportation board and approved by the secretary

of transportation pursuant to title 23, United States Code.

5. “Main-traveled way” means the portion of a roadway for the movement of vehicles, exclusive of shoulders, on which through traffic is carried. In the case of divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads or parking areas.
6. “Outdoor advertising” means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform, the message of which is visible from any place on the main-traveled way of the interstate, secondary or primary systems.
7. “Primary system” means that portion of connected main highways located within this state as may now or hereafter be officially designated by the transportation board and approved by the secretary of transportation pursuant to title 23, United States Code.
8. “Safety rest area” means a site established and maintained by or under public supervision or control for the convenience of the traveling public within or adjacent to the right-of-way of the interstate or primary systems.
9. “Secondary system” means that portion of connected highways located within this state as may now or hereafter be officially designated by the transportation board and approved by the secretary of transportation pursuant to title 23, United States Code.
10. “Unzoned commercial or industrial area” means an area not zoned under authority of law in which land use is characteristic of that generally permitted only in areas which are actually zoned commercial or industrial under authority of state law, embracing all of the land on the same side of the highway on which one or more commercial or industrial activities are conducted, including all land within one thousand feet measured in any direction from the nearest edge of the actual land used or occupied by such activity, including its parking, storage and service areas, its driveways and its established front, rear and side yards, constituting an integral part of such activity. As used in this paragraph, “commercial or industrial activities” does not include:
  - (a) Outdoor advertising structures.
  - (b) Agricultural, forestry, grazing, farming and related activities.
  - (c) Transient or temporary activities including but not limited to wayside fresh produce stands.
  - (c) Activities not visible from the main-traveled way.
  - (e) Activities conducted in a building principally used as a residence.
  - (f) Railroad tracks and minor sidings, and above ground or underground utility lines.

##### **“28-2102. Outdoor advertising authorized**

- A. The following outdoor advertising may be placed or maintained along interstate, secondary and primary systems within six hundred sixty feet of the edge of the right-of-way:
    1. Directional or other official signs or notices that are required or authorized by law, including but not limited to, signs pertaining to natural wonders, scenic and historic attractions.
    2. Signs, displays and devices advertising activities conducted on the property upon which they are located.
    3. Signs, displays and devices advertising the sale or lease of property upon which they are located.
    4. Signs, displays and devices lawfully placed after April 1, 1970, in business areas.
    5. Signs, displays and devices lawfully placed after the effective date of this Article in zoned or unzoned commercial or industrial areas inside municipal limits, or after April 1, 1972, in unzoned commercial or industrial areas outside of municipal limits.
    6. Signs, displays and devices lawfully existing on April 1, 1970, which are located in business areas, and in zoned commercial or industrial areas outside of municipal limits.
    7. Signs, displays and devices lawfully existing on the effective date of this Article which are located in zoned or unzoned commercial or industrial areas inside municipal limits, or on April 1, 1972, in unzoned commercial or industrial areas outside of municipal limits.
  - B. Outdoor advertising authorized under subsection A, paragraphs 1, 4, and 5 of this Section shall conform with standards contained, and shall bear permits required, in regulations promulgated by the director under the provisions of this Article, except that such authorized outdoor advertising along highways in the secondary system which are not state highways need only bear permits required by the responsible county or municipal authority.
  - C. Outdoor advertising authorized under paragraphs 6 and 7, subsection A of this Section need not conform to standards contained, but shall bear permits required, in regulations promulgated by the director under the provisions of this Article, except that such authorized outdoor advertising along highways in the secondary system which are not state highways need only bear permits required by the responsible county or municipal authority.
  - D. Signs lawfully in existence on October 22, 1965 which are determined by the director, subject to the approval of the secretary of transportation as provided for by § 131(c) of Title 23 of the United States Code, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this Article, may be preserved or maintained.
1. If within view of, directed at, and intended to be read from the main-traveled way of the interstate, primary or secondary systems, excepting outdoor advertising authorized under § 28-2102.
  2. If visible from the main-traveled way and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this Article, or if likely to be mistaken for any such permitted sign, or if intended or likely to be construed as giving warning to traffic, such as by the use of the words "STOP" or "SLOW DOWN."
  3. If within any stream or drainage channel or below the flood water level of any stream or drainage channel where the outdoor advertising might be deluged by flood waters and swept under any highway structure crossing the stream or drainage channel or against the supports of the highway structure.
  4. If visible from the main-traveled way and displaying any red, flashing, blinking, intermittent or moving light or lights likely to be mistaken for a warning or danger signal, excepting that part necessary to give public service information such as time, date, weather, temperature or similar information.
  5. If any illumination thereon is of such brilliance and so positioned as to blind or dazzle the vision of travelers on the main-traveled way.
  6. If existing under a permit as required by this Article and not maintained in a safe condition.
  7. If obviously abandoned.
  8. If placed in such a manner as to obstruct, or otherwise physically interfere with, an official traffic sign, signal or device or to obstruct, or physically interfere with, the vision of drivers in approaching, merging or intersecting traffic.
  9. If placed upon trees, or painted or drawn upon rocks or other natural features, excepting signs permitted under § 28-2102, subsection A, paragraph 2.
- B. At interchanges on freeways or interstate highways outside of municipal limits, no outdoor advertising signs, displays or device shall be erected in the area between the crossroad and a point five hundred feet beyond the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

**"28-2104. Standards for outdoor advertising; directional and other official signs; business areas and unzoned commercial or industrial areas outside municipal limits; zoned or unzoned commercial or industrial areas within municipal limits**

- A. Direction and other official signs authorized under § 28-2102, subsection (A), paragraph (1), shall comply with regulations which shall be promulgated by the director relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement this Article, which regulations shall not be inconsistent with such national standards as may be promulgated from time to time by the secretary of transportation of the United States pursuant to subdivision (c) of § 131 of Title 23 of the United States Code.

**"28-2103. Outdoor advertising prohibited**

- A. No outdoor advertising shall be placed or maintained adjacent to the interstate, secondary or primary systems at the following locations or positions or under any of the following conditions or if it is of the following nature:

- B. After April 1, 1970, outdoor advertising placed in business areas and after April 1, 1972, in unzoned commercial or industrial areas outside of municipal limits shall comply with the provisions of this Article and the following standards:
1. Size of outdoor advertising shall not exceed one thousand two hundred square feet in area with a maximum vertical facing dimension of twenty-five feet and a maximum horizontal facing dimension of sixty feet, including border and trim, and excluding base or apron supports and other structural members. Such size limitations shall apply to each facing of outdoor advertising. The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertisement. Two advertising displays not exceeding three hundred fifty square feet each may be placed in a facing. Back to back or V-type signs may be placed, with the maximum area allowed for each facing.
  2. Spacing of outdoor advertising shall be such that it is not placed:
    - (a) Within five hundred feet from other outdoor advertising on the same side of a freeway.
    - (b) Within five hundred feet of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way at a scenic overlook or safety roadside rest area on any portion of a freeway.
    - (c) Within three hundred feet from other outdoor advertising on the same side of any portion of the primary system which is not a freeway.
  3. Minimum spacing distances from other outdoor advertising shall not apply to outdoor advertising which is separated by a building or other obstruction in such a manner that only one display located within the minimum distances set forth herein is visible from the highway at any one time. Spacing distances shall be measured along the nearest edge of the pavement to a point directly opposite the outdoor advertising.
  4. Outdoor Advertising authorized under § 28-2102, subsection (A), paragraphs (2) and (3) shall not be counted and measured from in determining compliance with the spacing requirements of this subsection.
- C. After the effective date of this Article, outdoor advertising placed in zoned or unzoned commercial or industrial areas within municipal limits shall comply with the following standards:
1. The size of outdoor advertising shall not exceed that set forth in subsection (B), paragraph (1) of this Section.
  2. Spacing of outdoor advertising shall be such that it is not placed:
    - (a) Within five hundred feet from other outdoor advertising on the same side of a freeway.
    - (b) Within one hundred feet from other outdoor advertising on the same side of any portion of the primary system which is not a freeway.
  3. It shall have the same standard as subsection (B), paragraph (3) of this Section.
  4. It shall have the same standard as subsection (B), paragraph (4) of this Section.
- “28-2105. Authority to acquire outdoor advertising and property rights; compensation; removal**
- A. The director shall acquire by gift, agreement, purchase, exchange, eminent domain or other lawful means, all right, title, leasehold, and interest in any outdoor advertising together with the right of the owner of the real property on which such outdoor advertising is located to erect and maintain such outdoor advertising thereon, when the outdoor advertising is prohibited by this Article. Damages resulting from any taking of property in eminent domain shall be ascertained in the manner provided by law.
- B. If compensation is required by federal law, and if federal participation in such compensation is required by federal law, nonconforming outdoor advertising shall not be required to be removed until federal funds for the federal share of compensation therefor as required by such federal law have been made available to the Department.
- C. When outdoor advertising is placed after the effective date of this Article, contrary to provisions of this Article or the regulations promulgated by the director, or when a permit is not obtained as prescribed in this Article, the outdoor advertising shall be deemed unlawful. The director shall give notice by certified mail of his intention to remove advertising deemed unlawful to both the owner or the occupant of the land on which such outdoor advertising is located and the owner of the outdoor advertising, if the latter is known, or if unknown, by posting notice in a conspicuous place on such outdoor advertising. Within seven days after such notice is mailed or posted the owner of the land or the outdoor advertising may make a written request to the director for a hearing to show cause why the outdoor advertising should not be removed. The director shall designate a hearing officer, who shall be an administrative employee of the department, to conduct and preside at such hearings. When a hearing is requested under this provision, the hearing shall be held within thirty days thereafter and the party requesting the hearing shall be given at least five days' notice of the time of such hearing. All hearings shall be conducted at department administrative offices. A full and complete record and transcript of the hearing shall be taken. The presiding officer shall within ten days after the hearing make a written determination of his findings of fact, conclusions and decision and shall mail a copy of the same, by certified mail, to the owner or the party who requested the hearing. If the decision is adverse to the party, the party may within ten days after the decision is rendered, petition the superior court of the county wherein the outdoor advertising is located to determine whether the decision of the hearing officer was lawful and reasonable. If the decision of the court upholds that of the director, all costs from the time of the administrative hearing, including court costs, shall be borne by the owner of the land or the outdoor advertising or both. If a hearing before the director is not requested, or if there is no appeal taken from the director's decision of such hearing, or if the director's decision is

affirmed on appeal, the director shall immediately remove the offending outdoor advertising. The owner of the outdoor advertising or the owner or occupant of the land or the owner of the outdoor advertising and the owner or occupant of the land shall be liable for the costs of such removal. The director shall incur no liability for such removal.

**“28-2106. Agreement with secretary of transportation; outdoor advertising regulations; permits**

The director shall:

1. Enter into the agreement with the secretary of transportation provided for by § 131(d) of Title 23 of the United States Code setting forth the standards governing the size, lighting, and spacing of outdoor advertising authorized under § 28-2102, subsection (A), paragraphs (4) and (5), and defining an unzoned commercial or industrial area. If the standards and definitions contained in the agreement do not agree substantially with the provisions of this Article, the agreement shall not become effective until the legislature by statute amends this Article to conform with the terms of the agreement.
2. Prescribe and enforce regulations governing the placing, maintenance, and removal of outdoor advertising. Such regulations shall be consistent with the public policy of this state to protect the safety and welfare of the traveling public, the provisions of this Article, the terms of the agreement with the secretary of transportation, and the national standards, criteria, and rules and regulations promulgated by the secretary of transportation pursuant to § 131 of Title 23, United States Code.
3. Define by rules or regulations, unzoned commercial or industrial areas along with the interstate and primary systems. The definitions shall be consistent with the definitions of these areas set forth in this Article and set forth in the agreement with the secretary of transportation.
4. Issue permits to place or maintain, or both, outdoor advertising authorized under § 28-2102, subsection (A), paragraphs (1), (4), (5), (6) and (7), and establish and collect fees for the issuance of such permits. The fees shall be not more than the actual costs to the department. All fees collected under the provisions of this Article shall be paid to the state treasurer for credit to the state highway fund.

**“28-2107. Control of advertising displays along interstate, secondary and primary highways by municipality or county**

If an incorporated municipality or county desires to control outdoor advertising along interstate, secondary and primary highways, it may do so upon request to the director and certification by the director to the secretary of transportation that the municipality or county has enacted comprehensive zoning ordinances and by ordinance regulates the size, lighting, and spacing of outdoor advertising in zoned commercial and industrial areas along interstate, secondary and primary highways, providing that municipalities or counties may not assume control of outdoor advertising under the provisions of this Section if the ordinance provisions are less restrictive than the provisions of this Article.

**“28-2108. Advertising displays in safety rest areas; information centers**

In order to provide information in the specific interest of the traveling public, the director may authorize advertising displays at safety rest areas and at information centers.

**“28-2109. Construction of Article**

The provisions of this Article shall be cumulative and supplemental to other provisions of law and shall not be construed as affecting or enlarging any authority of counties, cities or towns pursuant to any other provisions of law which may exist to enact ordinances regulating the size, lighting, and spacing of outdoor advertising.

**“28-2110. Violating penalty**

A person who violates any provision of this Article or any regulation of the director made and promulgated under this Article is guilty of a misdemeanor.”

**B. Authority and responsibility.**

1. Purpose. The purpose of this subsection is to describe the authority and responsibilities the Arizona Department of Transportation exercises in developing rules and regulations relative to outdoor advertising facilities.
2. ADOT responsibilities regarding advertising control. The Arizona Department of Transportation is directed to:
  - a. Enter into an agreement with the U.S. Secretary of Transportation provided for by § 131(d) of Title 23, United States Code, setting forth standards governing outdoor advertising authorized;
  - b. Prescribe and enforce regulations governing the placing, maintenance, and removal of outdoor advertising;
  - c. Define by rules or regulations, unzoned commercial or industrial areas along the interstate and primary systems;
  - d. Issue permits to place or maintain, or both, outdoor advertising authorized under the act and establish and collect fees for the issuance of such permits.
3. Rules, regulations, and authority. The regulation of outdoor advertising along Arizona Highways by the Arizona Department of Transportation was established by A.R.S. §§ 28-2101 through 28-2110 by the twenty-ninth legislature in second regular session and subsequent amendments. This legislation was approved by the governor and filed in the Office of the Secretary of State on May 18, 1970. The rules and regulations prescribed herein describe the administrative procedure adopted by the Arizona Department of Transportation to aid and guide the effective control of outdoor advertising. These rules and regulations are in addition to and do not purport to change or alter the federal act, the state act, or the federal-state agreement.
4. Permit application procedure. Maintenance Permit Services, Highways Division, Arizona Department of Transportation, is responsible for administering a permit procedure.

**C. Outdoor advertising permit application procedure.**

1. Purpose. The purpose of this subsection is to present the procedures to be followed by applicants in requesting permits for the erection of outdoor advertising facilities.
2. ADOT permit form and fee required. Each application for a permit to erect an outdoor advertising facility must be made on the appropriate Arizona Department of Transportation form and shall be accompanied by a check or money order in the amount of \$20.00 payable to the Arizona Department of Transportation.

- a. The initial application fee shall be valid for a period of one year from date of issuance. It shall be renewable annually upon payment of a \$5.00 fee.
  - b. Renewal fees will become delinquent 30 days after the annual renewal date. On becoming delinquent, such sign structures will be in violation and a new initial application fee of \$20.00 will be required.
  3. Applications mailed to maintenance permit engineer. Applications for outdoor advertising permits should be mailed to:  
Arizona Department of Transportation  
Highway Division  
206 South 17th Avenue  
Phoenix, Arizona 85007,  
Attention: Maintenance Permit Engineer, Maintenance Section.
    - a. Assistance to applicants is available at District offices. (See list of district office addresses in Exhibit 9).
  4. Separate application for each sign. Each outdoor advertising sign, display or device requires a separate application with fee. All required information describing the location of the sign, the sign qualification standards, and the permitted area identification shall be completely entered on the permit form.
  5. Legal description of sign site required. Applicants shall be required to obtain a certification from the governing zoning authority certifying that the zoning is correct for the legal description of the proposed sign location. In cases where the legal description is listed incorrectly on the application, a new certification must be obtained for the correct legal description. Legal descriptions shall adequately describe the property for which the application is made.
  6. Location diagram required. Applicants shall submit a location diagram indicating highway route number and such physical features as: buildings, bridges, culverts, poles, mileposts and other stationary land marks necessary to adequately describe the location. The sketch will also indicate the distance in feet the sign is to be erected from the nearest milepost or a street intersection and other off-premise signs in the same vicinity.
  7. Applicants must mark site locations. Applicants are required to place an identifiable device or object bearing applicant's name at the proposed sign location to aid field inspectors in site evaluations.
  8. Landowner's permission mandatory. Applicants shall be required to obtain a signed certification stating that the applicant has the permission of the landowner to erect the sign at the noted legal description, or in lieu thereof, furnish a copy of an executed lease.
  9. Each pending application field checked. Each pending application will be field checked for compliance with the state act and ADOT regulations by the district. The findings of the field check will be forwarded to the Maintenance Permit Engineer, Maintenance Section, for final examination and if approved, permit issuance.
  10. Noncompliance. Each application for a permit to erect an outdoor advertising facility which does not comply with all requirements of the law and the Arizona Department of Transportation regulations, will be denied and the application fee may be retained by the state. Exception will be made in cases where applicants did not have knowledge of previous applications or permits for the same site.
    - a. An additional \$20.00 fee shall be added to the regular permit fee for signs illegally erected prior to the issuance of a permit.
  11. Permit decals on sign structures. Applicants shall affix permit decals on a permanent surface near the portion of the sign structure closest to the main traveled way and clearly visible from said roadway. Permit decals to replace any which have been issued and were improperly affixed, lost or destroyed, whether before or after attaching to the sign structure, may be purchased at a cost of \$5.00.
    - a. Signs bearing permit decals for signs other than the sign for which they were issued shall be in violation.
  12. Forfeiture of permit fee. Outdoor advertising facilities for which permits have been issued shall be erected within 120 days and shall bear the official permit identification issued for the specific facility. If the applicant mails a written request for extension of time prior to expiration of the 120 days, an additional 60-day extension may be granted. Any permit canceled because no sign was erected within the prescribed time will result in forfeiture of the \$20.00 fee.
  13. Denial of permit renewals. An existing permit will not be renewed for an approved location on which no sign structure exists.
  14. Removal and re-erection time limits. If an outdoor advertising sign is removed from a permitted location for any reason, the permit shall expire within 30 days from date of removal, except that the permittee may notify the Arizona Department of Transportation, Highways Division, Maintenance Permit Engineer, of intent to re-erect which will allow 120 days for re-erection. Failure to re-erect which will allow 120 days for re-erection. Failure to re-erect within the 120 days allowed will cancel the existing permit.
  15. Transfer of permits. Permits are transferable upon sale of sign provided a new order furnishes the Arizona Department of Transportation with notification of sale within 30 days after date of sale.
  16. Calendar days. All references to days made in this permit application procedure, as well as those references in all rules and regulations applying to outdoor advertising control, shall mean calendar days.
- D. Administrative rules.**
1. Purpose. The purpose of this subsection is to present administrative rules developed by the Arizona Department of Transportation for control of outdoor advertising.
  2. Restrictions on rights-of-way use. No sign shall be erected or maintained from or by use of interstate highway rights-of-way. Any observed action of this type will result in cancellation of the permit. Signs may be erected and maintained from primary and secondary highways only if no other access is available and an encroachment permit is issued.
  3. Nonconforming signs shall be in violation if:
    - a. A sign is enlarged (increased in any dimensions of the sign face or structural support),
    - b. A sign is replaced (an existing sign is removed and replaced with a completely different sign),
    - c. A sign is rebuilt to a different configuration or material composition beyond normal maintenance, or
    - d. A sign is relocated (moved to a new position or location without being lawfully permitted).
    - e. A sign which was previously non-illuminated has lighting added.

4. Commercial or industrial activities. Commercial or industrial activities which define a “business area,” “unzoned commercial or industrial area” must be in operation at the time the permit application is made.
    - a. Should any commercial or industrial activity, which has been used in defining or delineating a “business area,” or an “unzoned commercial or industrial area,” cease to operate for a period of six continuous months, any signs qualified by such activity shall become nonconforming.
  5. On premise. Should any activity which has been used in defining an “on-premise” sign cease to operate for a period of six continuous months any signs qualified by such activity shall be considered as off premise and will require appropriate permits. If the signs are then not permissible they will be in violation.
  6. Municipal limit between signs. When a municipal limit falls between signs the spacing requirement shall be 300 feet between signs on primary or secondary highways.
  7. Proposed interstate alignment locations. Signs existing or to be erected on primary or secondary highway systems which have been declared by the Director of Transportation as an interstate freeway alignment prior to construction of such interstate or freeway shall be classified as though the Interstate or Freeway already exists, requiring spacing criteria for Interstate or other freeways.
  8. Double-faced, back-to-back, and V-type signs. Double-faced, back-to-back and V-type sign structure permits will be limited to a single sign ownership for each site. No more than two faces will be allowed facing each direction of travel. Double-faced signs shall not exceed 350 square feet per face. “V-type signs will be limited to a 10’ spacing between faces at the apex. V-type sign spacing from other signs shall be measured from the middle of the apex.”
  9. Multifaced community signs. Local chambers of commerce may obtain permits to erect signs with more than two faces. These signs shall not exceed 1,200 square feet in area with a maximum overall vertical facing of 25 feet and a maximum overall horizontal facing of 60 feet, including border and trim, and excluding base or apron supports and other structural members. All other laws, rules and regulations will apply to multifaced community signs as to other off premise signs.
  10. New sign making existing sign nonconforming. If a new sign which would otherwise be conforming will make an existing sign nonconforming, the new sign shall not be allowed.
  11. Hearing requests. The land owner or sign owner may request a hearing in connection with a permit application denied or other action taken by the Arizona Department of Transportation in connection with the rules herein prescribed. Within seven days after notice of such action is mailed or posted the land owner or sign owner may make written request for a hearing on such actions. The Director of Transportation shall designate a hearing officer, who shall be an administrative employee of the Department of Transportation, to conduct and preside at such hearings. When a hearing is requested, the hearing shall be held within thirty days thereafter and the party requesting the hearing shall be given at least five days notice of the time of such hearing. All hearings shall be conducted at Department of Transportation administrative offices. A full and complete record and transcript of the hearing shall be taken. The presiding officer shall within ten days after the hearing make a written determination of his findings of fact, conclusions and decision and shall mail a copy of the same, by certified mail, to the owner or the party who requested the hearing.
  12. Landmark signs. The Director will submit a one-time declaration listing all landmark signs to the Secretary of Transportation. The preservation of these signs would be consistent with the purposes of state highway beautification laws.
  13. Blanked out or discontinued nonconforming signs. When an existing nonconforming sign ceases to display advertising matter for a period of one year the use of the structure as a nonconforming outdoor advertising sign is terminated.
  14. Vandalized signs. Legal nonconforming signs may be rebuilt to their original configuration and size when they are destroyed due to vandalism and other criminal or tortious acts.
- E. Standards for directional and other official signs.**
1. Purpose. The purpose of this subsection is to present standards applicable to directional and other official signs.
  2. Scope and application. The standards presented in this Chapter apply to directional and other official signs and notices which are erected and maintained with 660 feet of the nearest edge of the right-of-way of the interstate, federal-aid primary and secondary highway systems and which are visible from the main traveled way of the systems. These types of signs must conform to national standards, promulgated by the Secretary of Transportation under authority set forth in § 131(c) of Title 23, United States Code. These standards do not apply, however, to directional and other official signs erected on the highway right-of-way.
  3. Definitions. “Official signs and notices” means signs and notices, other than traffic regulatory, erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.
    - a. “Directional and other official signs and notices” includes only official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.
    - b. “Public utility signs” means warning markers which are customarily erected and maintained by publicly or privately owned public utilities to protect their facilities.
    - c. “Service club and religious notices” means signs and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious service, which signs do not exceed eight square feet in area.
    - d. “Public service signs” means signs located on school bus stop shelters, which signs:
      - i. Identify the donor, sponsor, or contribution of said shelters;
      - ii. Contain safety slogans or messages, which shall occupy not less than 60% of the area of the sign;
      - iii. Contain no other message;
      - iv. Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places

- approved by the city, county, or state agency controlling the highway involved; and
- v. May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.
  - e. “Directional” means signs containing directional information about public places owned or operated by federal, state, or local government or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, religious, and rural activity sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.
  - f. “Obsolete sign” means a directional or other official sign the purpose of which is no longer pertinent.
4. Standards for directional signs. The following apply only to directional signs:
    - a. General. The following signs are prohibited:
      - i. Signs advertising activities that are illegal under federal or state laws or regulations in effect at the location of those signs or at the location of those activities.
      - ii. Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or interfere with the driver’s view of approaching, merging, or intersecting traffic.
      - iii. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
      - iv. Obsolete signs.
      - v. Signs which are structurally unsafe or in disrepair.
      - vi. Signs which move or have any animated or moving parts.
      - vii. Signs located in rest areas, parklands or scenic areas.
    - b. Size. No sign shall exceed the following limits, which include border and trim, but exclude supports.
      - i. Maximum area -- 150 square feet.
      - ii. Maximum height -- 20 feet.
      - iii. Maximum length -- 20 feet.
    - c. Lighting. Signs may be illuminated, subject to the following:
      - i. Signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights are prohibited.
      - ii. Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver’s operation of a motor vehicle are prohibited.
      - iii. No sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.
    - d. Spacing.
      - i. Each location of a directional sign must be approved by the Arizona Department of Transportation.
      - ii. No directional sign may be located within 2,000 feet of an interstate, or intersection at grade along the interstate system or other free-ways (measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).
      - iii. No directional sign may be located within 2,000 feet of a rest area, parkland, or scenic area.
        - (1) No two directional signs facing the same direction of travel shall be spaced less than one mile apart;
        - (2) Not more than three directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;
        - (3) Directional signs located adjacent to the Interstate System shall be within 75 air miles of the activity; and
        - (4) Directional signs located adjacent to the Primary System shall be within 50 air miles of the activity.
        - (5) No directional signs shall be located within 500 feet of an off-premise outdoor advertising sign on any state highway.
    - e. Message content. The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit number. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.
    - f. Selection methods and criteria for privately owned activities or attractions to obtain directional sign approval.
      - i. Privately owned activities are attractions eligible for directional signing are limited to the following categories:
        - (1) Natural phenomena,
        - (2) Scenic attractions,
        - (3) Historic sites,
        - (4) Educational sites,
        - (5) Cultural sites,
        - (6) Scientific sites,
        - (7) Religious sites,
        - (8) Outdoor recreational area.
      - ii. To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public.
      - iii. The Director, Arizona Department of Transportation, will appoint a “Selection Board for Directional Signing Qualifications” consisting of three administrative or professional employees of the Department of Transportation, one of whom shall be designated as chairman, to judge and approve the qualifications for directional signing of privately owned activities or attractions as limited to the categories in subdivision (i) and the qualification in subdivision (ii) above.
      - iv. Applicants for directional signs involving privately owned activities or attractions, shall first qualify such activity or attraction by submitting an official qualification form to the attention of the maintenance permit engineer, highways

- division, Arizona Department of Transportation. The maintenance permit engineer will forward the application for qualification, along with any technical data which may assist the board in making their determination, to the selection board.
- v. Applicant shall indicate one or more categories (as listed in subdivision (i) above) that is applicable to the activity or attraction for which qualification is sought. Applicants shall submit a statement and supporting evidence that the activity or attraction is nationally or regionally known and is of outstanding interest to the traveling public.
  - vi. The qualifications board will, upon approval or rejection of an application, give notification of their determination in writing, to the applicant and to the maintenance permit engineer.
  - vii. The maintenance permit engineer will not issue any permits for directional signs for any privately owned activity or attraction until receipt of qualification approval by the qualifications board. All directional sign permits issued for the Department of Transportation by the maintenance permit engineer will meet the standards for directional and other “official signs” as incorporated in the “Rules and Regulations for Outdoor Advertising along Arizona Highways” approved and issued by the Director, Arizona Department of Transportation.
  - g. “Rural activity signs” are intended to give directions to rural activity sites located along rural roads connecting to state highways. The signs must be located in areas primarily rural in nature. Rural activities that may qualify include ranches, recreational areas and mines. Signs for private residences, subdivisions, and commercial activities are not permitted. Industrial activities that are located in primarily rural areas such as mines or material pits may be allowed. The signs shall not be located in “business areas,” “unzoned commercial or industrial areas,” nor within municipal limits. The selection board may make final determination of eligibility for such signs when necessary. Not more than one sign pertaining to a rural activity facing the same direction of travel may be erected along a single route approaching the rural connecting road. Signs will be limited to ten square feet in area. All other standards for directional signs shall apply.
  - h. No application fee, is required for “official signs and notices,” “public utility signs,” “service club and religious notices,” “public service signs” or “directional signs” erected by federal, state or local governments. Other directional signs require a permit application and \$20.00 fee.
- Historical Note**  
Adopted effective January 3, 1977 (Supp. 77-1). Former Section R17-3-711 renumbered without change as Section R17-3-701 (Supp. 88-4).

## Exhibit 1

## TABLE OF REGULATIONS FOR OUTDOOR ADVERTISING

SPECIFICATION	ZONED COUNTY	UNZONED COUNTY	MUNICIPALITY
Permitted Area	“Business Area”	“Unzoned Commercial or Industrial Area”	Zoned or “unzoned Commercial or Industrial Area”
Zoning Required	Commercial or Industrial	NA	Zoned--Yes Unzoned NA
Dimension of Area	1,000 ft. each way	1,000 ft. each way	Wherever zoned and 1,000 ft. each way for Unzoned Commercial or Industrial
Dimension of Area at Freeway T.I. activity within 1,000 ft. of T.I.	3,000 ft. each way from crossroad. Except for prohibition	NA	NA
Prohibited Traffic Interchange Area	From 500 ft. beyond point of widening to crossroad	From 500 ft. beyond point of widening to crossroad	NA
SPACING			
Freeway-same side	500 ft. minimum	500 ft. minimum	500 ft. minimum
Primary and secondary--not a freeway	300 ft. minimum	300 ft. minimum	100 ft. minimum
Exit & Entrance to a scenic overlook or safety rest area	Not within 500 ft. of the beginning or end to the pavement widening of the exit or entrance	Not within 500 ft. of the beginning or end to the pavement widening of the exit or entrance	NA
SIZE			
Area	1,200 Sq. ft.	Same	Same
Vertical Facing	25 ft. maximum	Same	Same
Horizontal Facing	60 ft. maximum	Same	Same
2 Displays One Face	350 sq. ft. each	Same	Same

## Exhibit 2

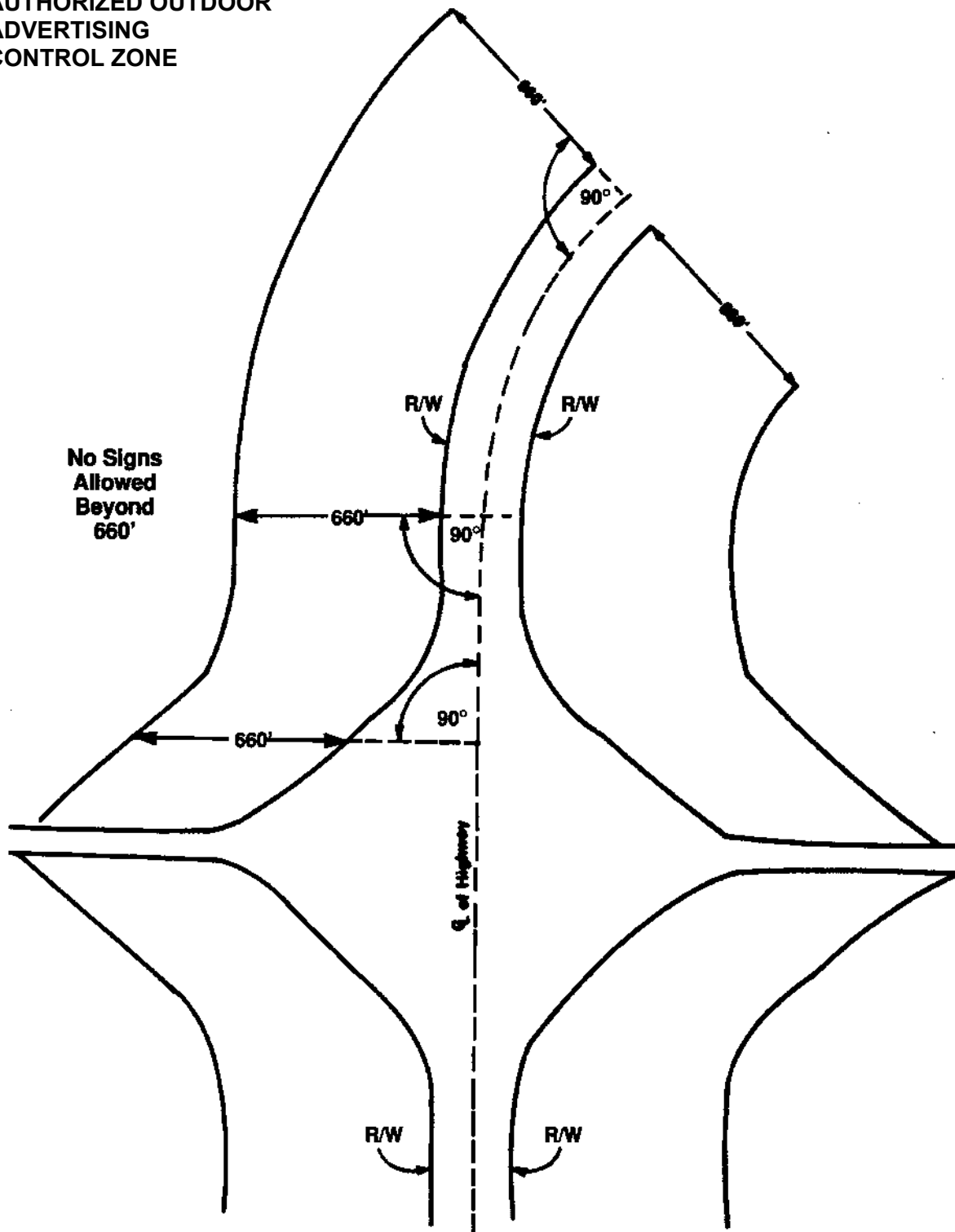
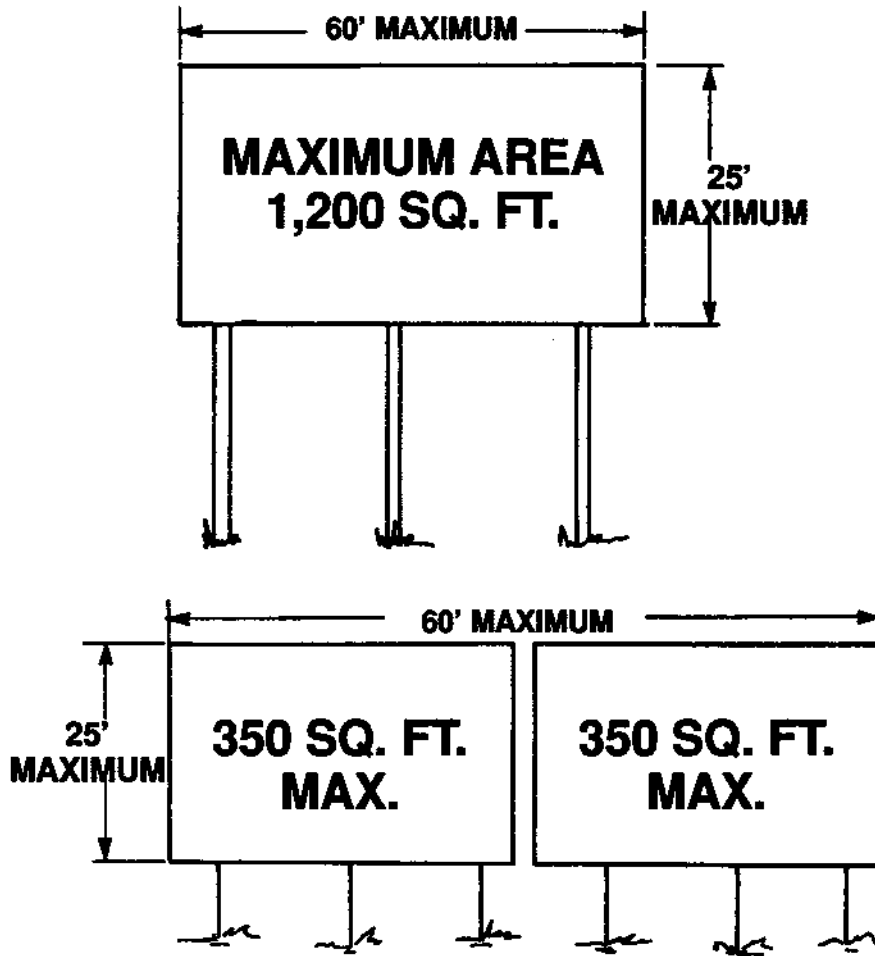
**AUTHORIZED OUTDOOR  
ADVERTISING  
CONTROL ZONE**

Exhibit 3



## Exhibit 4

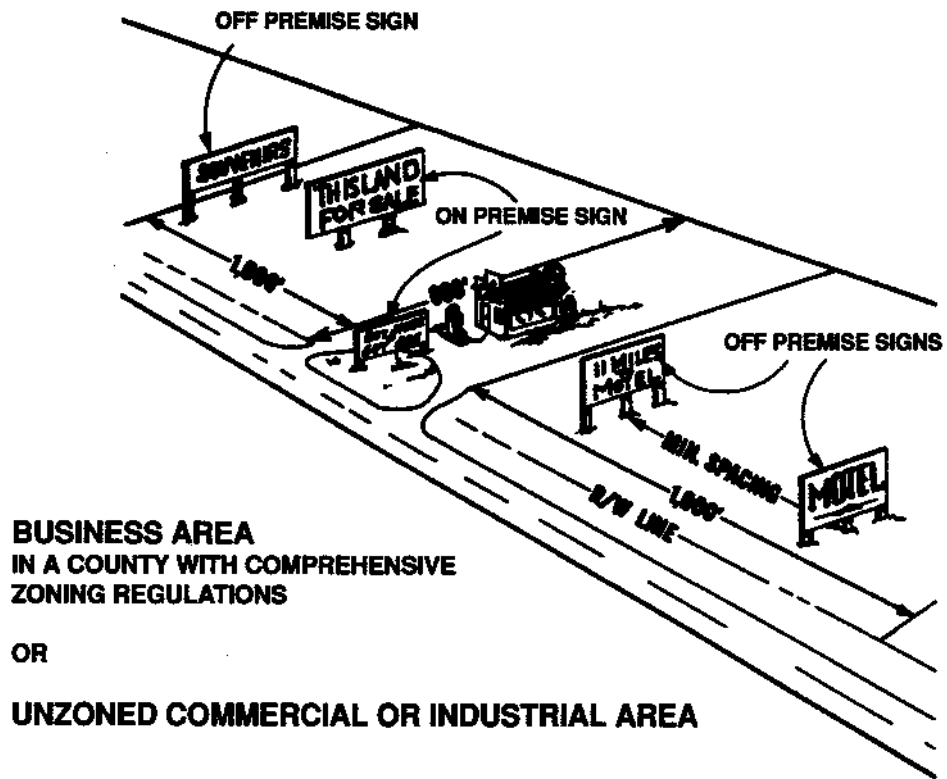


Exhibit 5

**BUSINESS AREA  
AT RURAL FREEWAY INTERCHANGE**

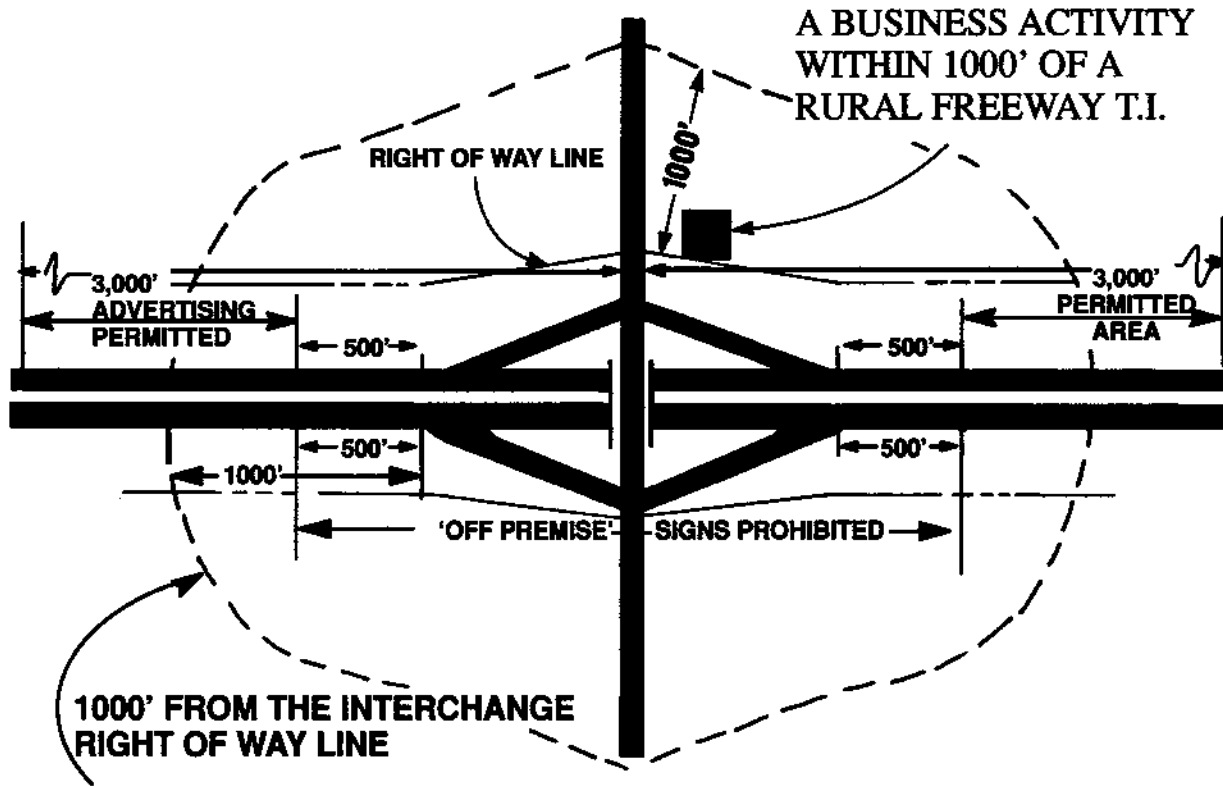


Exhibit 6

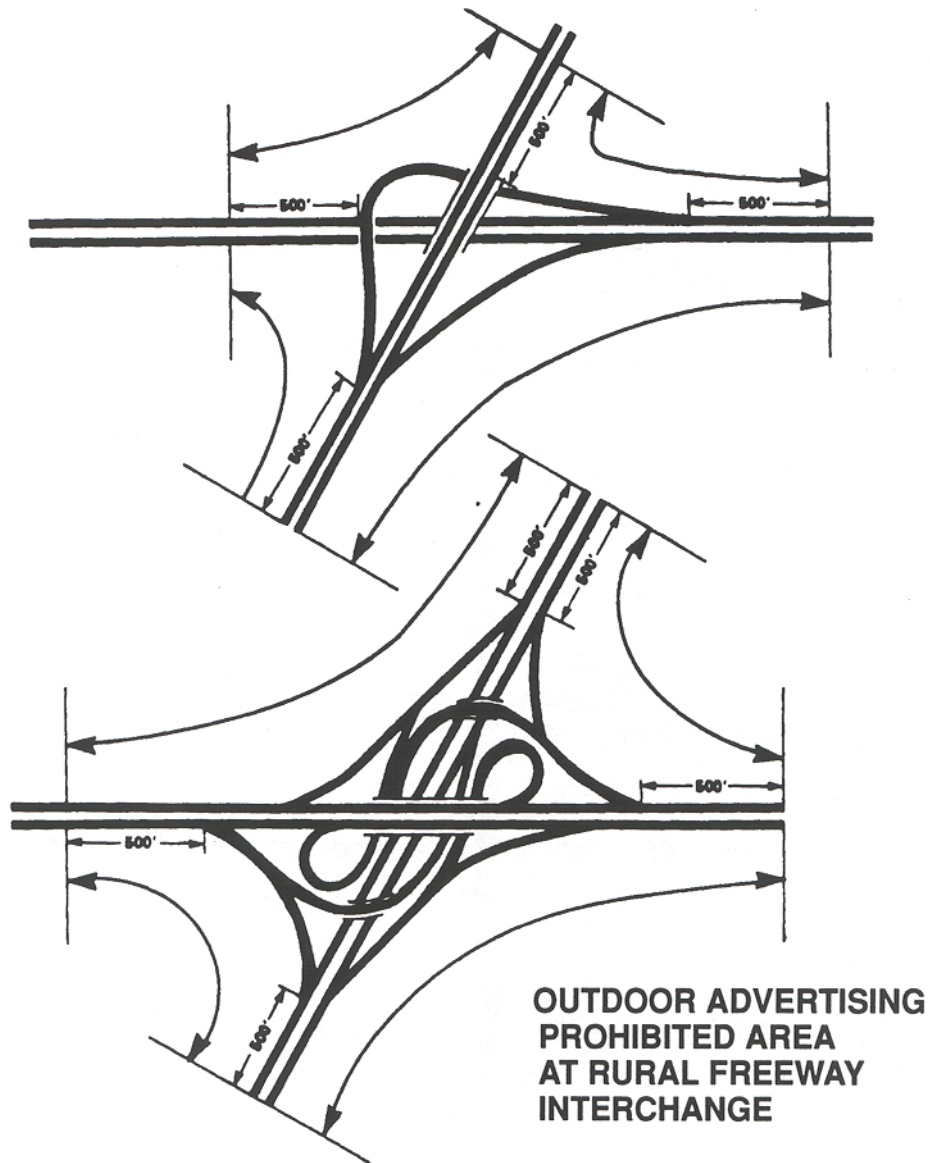
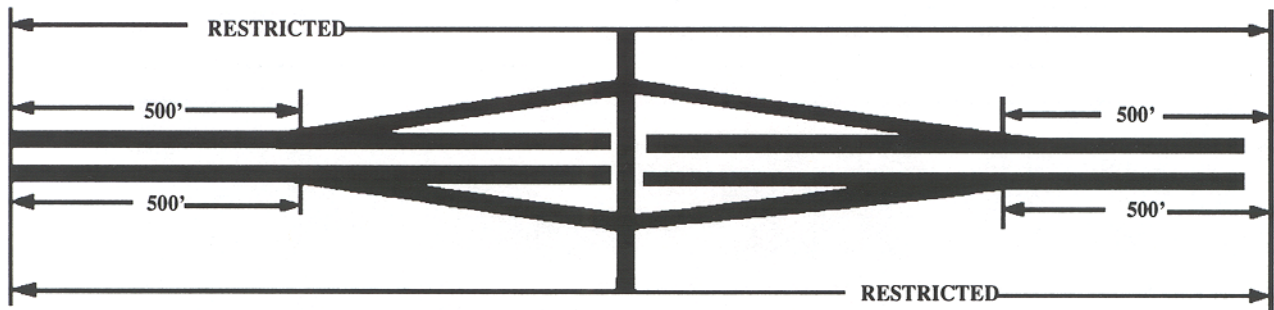
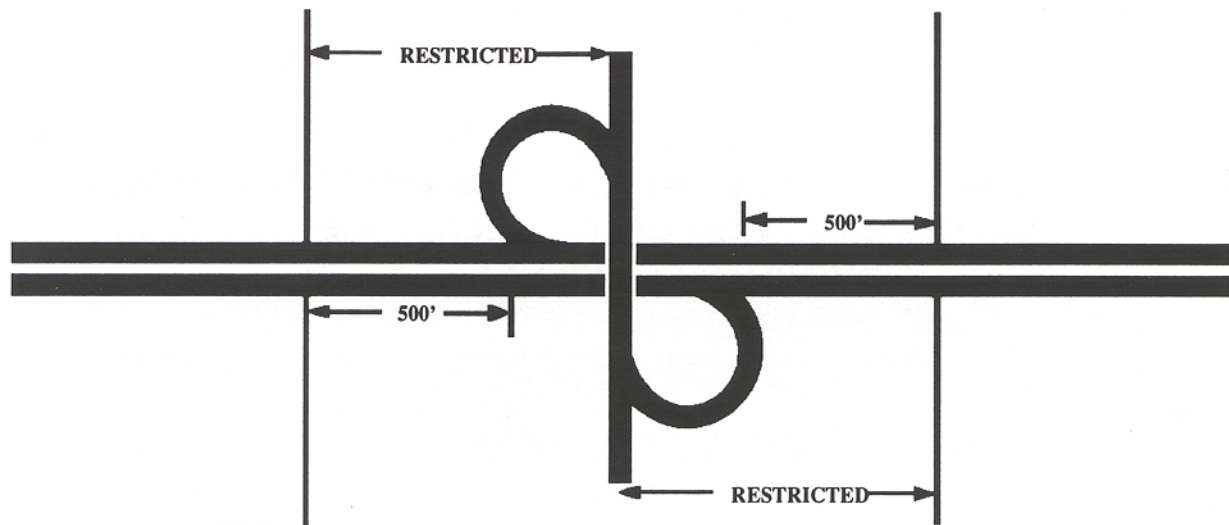
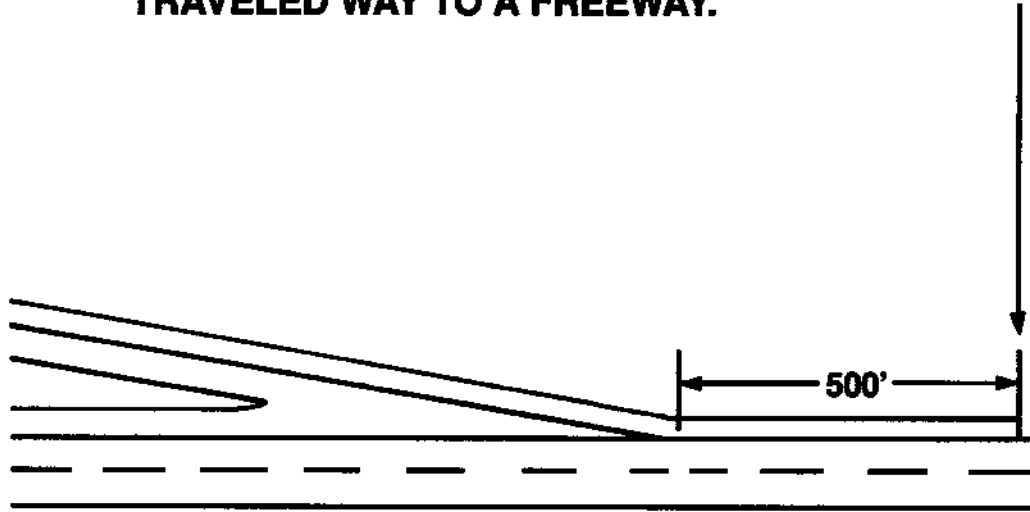


Exhibit 7



## Exhibit 8

**A POINT 500 FEET BEYOND THE POINT OF WIDENING  
AT THE EXIT FROM OR THE ENTRANCE TO THE MAIN-  
TRAVELED WAY TO A FREEWAY.**



## Exhibit 9

## LIST OF DISTRICT OFFICES

	TELEPHONE	MAILING ADDRESS
DISTRICT I Office	261-7381	2140 W. Hilton Ave. Phoenix, AZ 85009
DISTRICT II Office	622-6701	1221 S. 2nd Ave. P.O. Box 27306 Tucson, AZ 85726
DISTRICT III Office	428-0030	P.O. Box 711 Safford, AZ 85546
DISTRICT IV Office	524-6801	P.O. Box 280 Holbrook, AZ 86025
DISTRICT V Office	774-1491	1801 S. Milton Rd. Flagstaff, AZ 86001
DISTRICT VI Office	445-5391	1210 East Sheldon Prescott, AZ 86301
DISTRICT VII Office	473-4401	U.S. 60-70 Claypool Drawer AD Miami, AZ 85539

**R17-3-701.01. Outdoor Advertising Control: Restrictions on the Erection of Billboards and Signs and Restrictions on the Issuance of Permits**

- A.** Outdoor advertising shall not be erected under A.R.S. § 28-2102(A)(4) or (5) in a zoned area:
1. Which is not part of a comprehensive zoning plan and which is created primarily to permit outdoor advertising structures, or
  2. In which limited commercial or industrial activities are permitted as an incident to other primary land uses.
- B.** A permit for outdoor advertising shall not be issued under A.R.S. § 28-2106(4) in a zoned area:
1. Which is not part of a comprehensive zoning plan and which is created primarily to permit outdoor advertising structures, or
  2. In which limited commercial or industrial activities are permitted as an incident to other primary land uses.

**Historical Note**

Emergency rule adopted effective May 17, 1994, pursuant to A.R.S. § 41-1026, valid for 90 days (Supp. 94-2).  
 Permanently adopted without change effective August 12, 1994 (Supp. 94-3).

**R17-3-702. Encroachments in highway rights-of-way**

- A.** Purpose and authority.
1. Purpose. In order to adequately control highway rights-of-way, prevent their abuse, and unauthorized use, the Director herein wishes to prescribe the above referenced rule.
  2. Authority A.R.S. § 28-108(19). "The Director shall: . . . 19. Exercise complete and exclusive operational control and jurisdiction over the use of state highways and routes and prescribe such rules and regulations regarding such use as he deems necessary to prevent the abuse and unauthorized use of such highways and routes."
- B.** Scope. The rules and regulations herein established include permit application procedures, permit processing procedures, initial placement, adjustment, relocation, reconstruction and replacement for use of state highway rights-of-way.
- C.** Encroachment permit application procedures.
1. Completed ADOT applications shall be sent to the appropriate district engineer. The district engineer is responsible within the district for all phases of implementing the control of encroachment permits from the initial application, review, approval, construction and final inspection.
  2. Plans required. Applicants shall submit a set of plans indicating highway route number, mileposts, highway engineering stations, and physical features such as buildings, bridges, culverts, poles and other stationary landmarks necessary to adequately describe the location. Permit applicants are encouraged to employ competent design professionals such as registered professional engineers or architects when preparing plans of a complex nature. Permit applications shall include four sets of plans on primary and secondary highways and five sets on interstate highways. Commonly used construction standards are included as Exhibit Numbers 1-9.
  3. Each application reviewed. All permit applications are initially submitted to the respective districts. Only when necessary, will the districts route them to the appropriate department, for comments. The findings will be forwarded to the district office for final evaluation and issuance. A copy of the permit is sent to Maintenance Permits Services for filing as well as for quality control, i.e., review for uniformity and consistency in compliance with ADOT standards, specifications and special requirements

in the issuance of permits. No work is to be performed until the permit is approved. All work is to be in accordance with Arizona Department of Transportation standards.

4. Time limit. Ninety calendar days will be the normal time allowed for completion of construction. Time limits beyond 90 days' time may be granted as determined by the Arizona Department of Transportation.
5. Time extension. Applicants may apply for a time extension beyond the allotted time indicated on the permit by contacting the District office. If work has changed, a reapplication may be required.
6. Transfer of permits. Permits are transferable upon sale of ownership provided new owner furnishes the Arizona Department of Transportation with a notification within 30 days after date of sale. It is the obligation of the permittee to notify the new owner of the necessity to apply for a change of ownership.
7. Bonding.
  - a. Performance bonds or other assurance of construction may be required to ensure faithful performance of a permittee's obligation. The amount shall be equal to one half the amount of the cost of the work or any other possible financial loss to the state (as determined by the district engineer).
  - b. The performance bonds shall be executed by the applicant as principal with a corporation duly authorized to transact surety business in the state of Arizona. The bond shall be in favor of the Arizona Department of Transportation, shall be continuous in form, and shall be limited to the face amount of the bond irrespective of the number of years the bond is in force. The bond shall be released upon satisfactory performance and acceptance of the work or may be cancelled after the applicant has provided other security satisfactory to the Arizona Department of Transportation which will cover obligations that remain.
  - c. In instances where an applicant is issued numerous small permits throughout the year, he may post a continuing bond to cover work under more than one permit. The continuing bond shall be of a value sufficient to cover all work under construction by the permittee at any time and shall be satisfactory to the district engineer.
  - d. The bonding requirement may be waived when it can be determined by the district engineer that adequate protection is provided the Department to ensure satisfactory completion of the construction.
8. Access.
  - a. No access will be granted where access control rights have been legally established unless waived by the state engineer in accordance with FHWA standards.
  - b. Access to abutting property from within interstate or other freeway rights-of-way where permitted will be limited to:
    - i. Frontage roads except the merging entrance and exit ramp areas which will be subject to traffic engineering evaluation.
    - ii. Intersecting or nearby public roads and streets within interstate rights-of-way. At interchanges control for connections to the crossroad is normally effected beyond the ramp terminals by purchasing of access rights. Such control should extend along the crossroads

- beyond the ramp terminal 100 feet or more in urban areas and 300 feet or more in rural areas subject to traffic engineering evaluation.
- c. Access from within primary, secondary or other conventional highway rights-of-way will be permitted in accordance with appropriate standards. (See Exhibits 1, 2, and 7.)
  - d. Median openings may be allowed on divided highways except interstate or other freeways provided they conform to Arizona Department of Transportation policy regarding the design and spacing of such openings. This policy will be provided applicants upon request.
  - e. Permits shall be only for the construction of new turnouts and driveways or changing the location of an existing driveway. They shall not be issued for the purpose of providing a parking area or for servicing of vehicles on highway right-of-way.
  - f. Joint driveways may become desirable for landowners of adjacent properties to require a joint driveway to service both properties. If this is the case, only one of the two adjacent landowners need apply for the access permit but a notarized written mutual agreement, signed by all parties involved, must accompany the application form.
9. Signs. On-premise signs, displays, canopy, awning, or devices may be erected on structures occupying highway right-of-way airspace, but shall be limited to those indicating ownership and type of on-premise activities and shall be constructed in accordance with Arizona Department of Transportation Standards. (See Exhibit 9.) No portion of the structure support is allowed within highway right-of-way.
10. Landscaping.
- a. The Highway roadside is an integral unit of a total highway facility. The term "roadside" generally refers to the area between the outer edge of the roadway and the right-of-way boundary. These include all unpaved areas within the right-of-way.
  - b. All plans and specifications shall be sufficiently complete and detailed for easy analysis, cost estimating and compliance inspection and shall be submitted in accordance with "Roadside Development Landscaping Permit Guidelines" available to applicants upon request.
  - c. Permit applicants or their professional consultants may be required to discuss and coordinate landscape plans with the roadside development services prior to permit approval.
  - d. Plans shall be designed to select plant materials appropriate for the intended use and location, to arrange plants for optimum effect, and to ensure reasonable maintenance within the capability of the proposed permittee. Permit application will be reviewed for consideration of the factors which can affect the safe and efficient operation of the highway facility. It will be the responsibility of the permit applicant to assure that all landscaping is maintained after construction.
  - e. A clear line of sight must be maintained at all highway intersections and entrances; therefore, all plantings in this zone must be limited to an ultimate height of 30 inches or less.
  - f. Plants shall not be used where they may encroach upon drainage-ways and impede their functional value or increase maintenance. It shall be the responsibility of the permit applicant to assure that all landscaping is maintained after construction.
11. Hydraulics. At the discretion of the district engineer the following information shall be submitted by permit applicants when any changes are made in drainage conditions:
- a. A narrative report including a description of the existing drainage conditions, the proposed revisions and the effect of the proposed changes on existing conditions;
  - b. Maps and/or drawings sufficient to show all pertinent features of the proposed modifications. This may include site maps, drainage area maps, contour maps, grading plans, structure profiles, channel profiles, etc.;
  - c. Hydrologic and hydraulic calculations when applicable for design discharge, headwater elevations, tailwater elevations, flow depths and flow velocities in channels.
12. Utilities. All use permits will be in accordance with the Arizona Department of Transportation Guide for Accommodating Utilities on Highway Rights-of-Way. If applicant has a utility agreement with Arizona Department of Transportation, this agreement shall be included with the application. Utility plans shall adequately show such features as pavement and right of way lines in relation to their proposed facilities. Plans shall clearly indicate any existing utilities in the area. (See Exhibit 8.) If plan symbols are used that are not standard, they shall be defined on the plans submitted.
13. Fences, gates and cattle guards. Applicants shall be responsible for assuring that stock do not enter upon the highway while modifying or installing fence, gates or cattle guards. Back fences shall be maintained in a stock-proof condition. (See Exhibits 5 and 6.)
14. Jack or bore. Pipes, conduit or other utilities shall be jacked or bored through beneath paved areas. Pits may be placed in the median for boring, jacking or driving of pipes or conduits under divided roadways. The pit areas shall be completely fenced or barricaded and placed at a minimum distance of thirty feet from the edge of shoulder. Pavement cuts shall be considered only when jacking, boring or other alternatives are proven impractical and then only when approved by the district engineer. (See Exhibits 3 and 4.)
- D. Parades, motion pictures. Parade and motion picture requests shall be made in writing with an accompanying sketch and submitted directly to the appropriate district engineer. The request shall include:
1. Location,
  2. Purpose,
  3. Time -- date and hour,
  4. Length of time,
  5. Traffic control,
  6. Traffic reroute,
  7. A statement holding the Arizona Department of Transportation harmless in the event of any damage to persons or property which is caused by the event.
- E. Temporary signs or banners, including Christmas decorations. No temporary signs, banners or Christmas decorations shall be attached to any traffic control device, nor shall any such signs, banners or decorations interfere with operation of such devices. Requests for temporary signs or banners shall be made in writing and submitted directly to the appropriate district engineer. The request shall include:
1. Location,
  2. Height of sign or banner across highway (18 minimum),

3. Size of sign or banner and wording,
  4. Inclusive dates sign or banner will hang,
  5. A statement holding the Arizona Department of Transportation harmless in the event of any damage to persons or property which is caused by this event,
  6. Legend.
- F.** Traffic control and detours. Traffic shall be protected at all times in accordance with the Arizona Department of Transportation Traffic Control Manual. All signs, placement of signs, barricades, lights, and necessity of flagmen shall be the responsibility of the Permittee.
- G.** Minimum setback.
1. 50 MPH or greater design speed:
    - a. Minimum setback of a fixed object from the edge of the traffic lane should be 30 feet unless one of the following reasons will allow for a lesser distance.
      - i. Cuts of 3 to 1 or steeper -- obstacles are allowed 10 feet behind the point of vertical intersection (P.V.I.) at the toe of the slope.
      - ii. Where concrete barriers, walls, abutments, or other rigid obstructions are used -- fixed objects may be placed 4 feet behind the obstructions.
      - iii. Where flexible guardrail (box-beam, w-beam, or cable) is used 6 to 20 feet behind the face of the guardrail, depending upon the type.
      - iv. Where there are barrier curbs (5" or more vertical face) near a traveled lane -- 6 feet behind the face of the curb; adjacent to a parking lane - - no definite setback distance.
    - b. Where limited right-of-way or the necessity for planting would result in less clearance, all factors in the particular problem area should be weighed to decide if a special exception is warranted.
  2. 50 MPH or less design speed:
    - a. Minimum setback of a fixed object from the edge of the traffic lane may be 25 feet unless one of the reasons set forth under paragraph (1) will allow for a lesser distance.
    - b. On curves, adequate sight distance for the design speed of the highway must be maintained.
- H.** Rest area coffee breaks. Free coffee is allowed in rest areas for which donations may be accepted but not required if the following conditions are met:
1. The activity must be conducted for the expressed purpose of improving the safety of the highway travel and not as an advertisement of any organization or activity.
  2. The applicant must be a nonprofit organization with a concern for automotive, highway or driver safety.
  3. The activity must be carried on solely within the rest area apart from any ramp or other surface used for the movement of vehicles. The intent is to assure an absolutely safe operation. Permission will not be granted for such activity at rest areas where the activity could cause a backup along the ramps to the main lanes of the highway.
  4. The activity must have the approval of the appropriate DOT District Engineer and must meet other requirements of state law:
    - a. Applicant shall specify the rest area to be utilized on interstate or primary highways including route number and milepost. If on a divided highway with dual rest areas, both shall be utilized. This is to promote highway safety by alleviating the need of vehicles to cross the median illegally.
    - b. Specific time and date that a "safety break" is to be in operation shall be stated by the applicant.
- c. In order to provide the least rest area interruption, the district shall designate the location to be utilized for the coffee break facility.
  - d. Applicants must submit a sketch indicating the location, legend and size for any proposed signs. The district engineer shall have authority over type, size up to the maximum as stated in subdivision (v) below, and location of signs on or off the right of way.
  - e. A letter for each request must state that the applicant agrees to abide by the following requirements:
    - i. The state accepts no liability for such activities.
    - ii. There shall be no impeding of traffic or normal use of the rest area.
    - iii. Erection and removal of all signs will be at no cost to the state.
    - iv. After the specified time for the activity has terminated, the applicant will be given 24 hours to remove all signs.
    - v. The maximum size of signs shall be limited to a rectangular 4' x 8' or one with an equivalent area.
    - vi. Any connection to rest area power shall be done in full compliance with OSHA safety requirements. The use of electrical cords outside the area of the facility will not be permitted.
    - vii. The connector to the rest area power source shall be so placed that it does not constitute a hazard to the public nor be an inconvenience to them. Permittee shall use only the connector furnished by the state. If no power is available, the permittee shall provide his own.
    - viii. Applicant shall be responsible for cleaning the site following use. Failure to do so will result in the district billing applicant for costs.
    - ix. No tools other than those manufactured for use on water faucets shall be used to secure water from rest area facilities.
    - x. Approval for requests will be made on a first come, first served basis; however, requests will not be accepted earlier than 45 days nor later than seven days before the first date of proposed service. No formal permit will be issued; however, a letter of responses will originate from the appropriate district engineer with copies to the appropriate maintenance highway crew supervisor, DPS Office and maintenance permit engineer. The letter may also contain additional specific conditions for use of that particular rest area.
- I.** City-issued state permits. When authorized by maintenance agreements with Arizona Department of Transportation, cities may issue permits to use state highway right-of-way. A city authorized to issue state highway permits is required to use state standard permit forms and follow such general state policies regarding encroachments as may be specified by Arizona Department of Transportation. State design standards may be modified in cases where city standards of design are more restrictive than state requirements, in which case city standards of design will be followed.
- J.** Maintenance responsibility. The adjacent property owners having access to a state highway shall be fully responsible for the maintenance of their driveway including the portion from the highway right-of-way line to the outside edge of the highway shoulder or curbline. This maintenance responsibility

includes the removal of snow and ice and keeping the portion within the highway right-of-way in a safe condition for the general public. The owner shall be responsible for the maintenance of ditches, pipes, catch basins, grates, poles, gates, aerial wires, buried cables and other structures or installations placed in connection with encroachment permits. The owner will be given ten days notice to perform the required maintenance. After this period, the Director may then perform the required maintenance, and the owner shall be liable for the costs of such maintenance. If an emergency exists wherein there is an immediate hazard to the highway, the Director may perform the required remedial maintenance, and the owner shall be liable for all such costs incurred. The owner shall be responsible for any revisions or improvements required as a result of changed conditions of use after the permit is issued and/or after construction is completed, upon the direction of the Arizona Department of Transportation.

- K.** Unauthorized encroachments. A.R.S. § 28-1870 defines misuse of public highways or airports. Use of state highway rights-of-way shall be limited to authorized uses herein described. Any other uses will be permitted only by specific approval by the Director of Transportation. Owners of unauthorized property located in the state highway right-of-way will be notified that they are in violation of state law. If the

encroachment has not been removed within the time prescribed, the Director may remove the unauthorized encroachment, and the owner shall be liable for the cost of such removal.

1. The following encroachments or uses of state highway rights-of-way will normally not be permitted:
    - a. Advertising signs;
    - b. Parking areas;
    - c. Sales of any article, service, or thing;
    - d. Bicycle, walking, equestrian or other activities on urban freeways;
    - e. Any commercial or industrial activity.
  2. None of the above uses of state highway right-of-way will be permitted except for applications in special circumstances, and the use in no way conflicts with safe and efficient highway uses nor with highway maintenance or other authorized activities. Permits will always need to be acquired for these encroachments.
- L.** Traffic hazards and permits. No permit shall be issued for any encroachment if it creates a traffic hazard. Applicants will adhere to the manual on Uniform Traffic Control Devices (copy of which is on file with the Secretary of State), R17-3-01 (repealed). No work shall be allowed without a properly approved permit.

[illegible]

## EXHIBIT 2

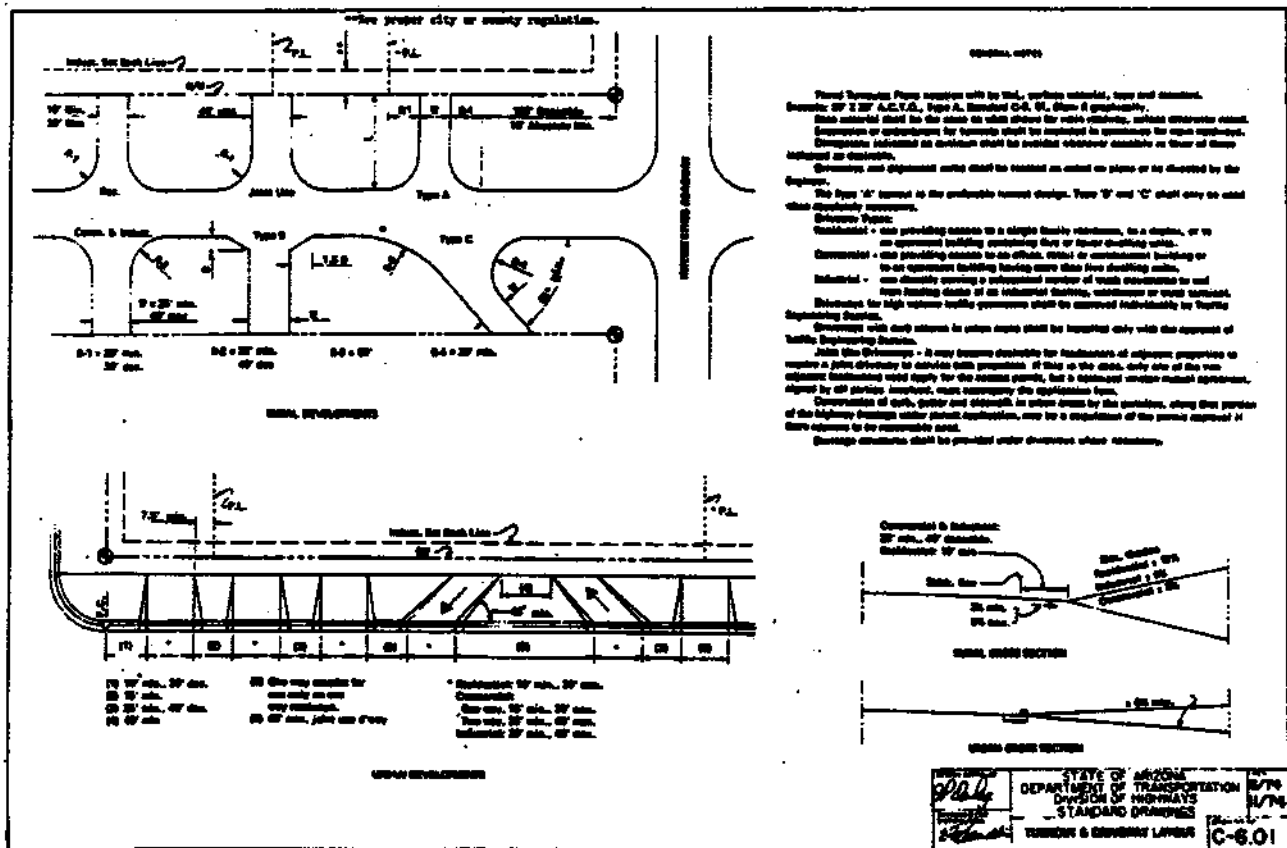
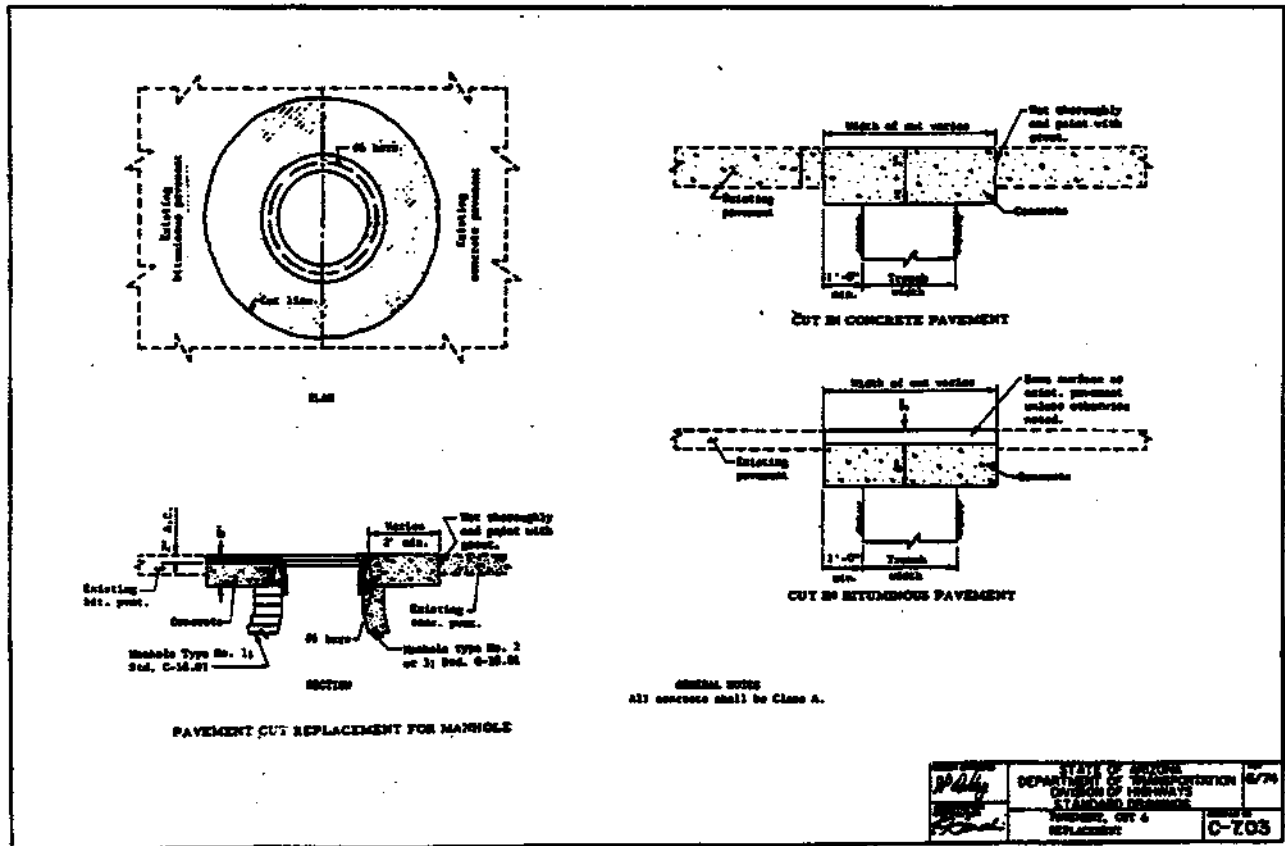


EXHIBIT 3



## EXHIBIT 4

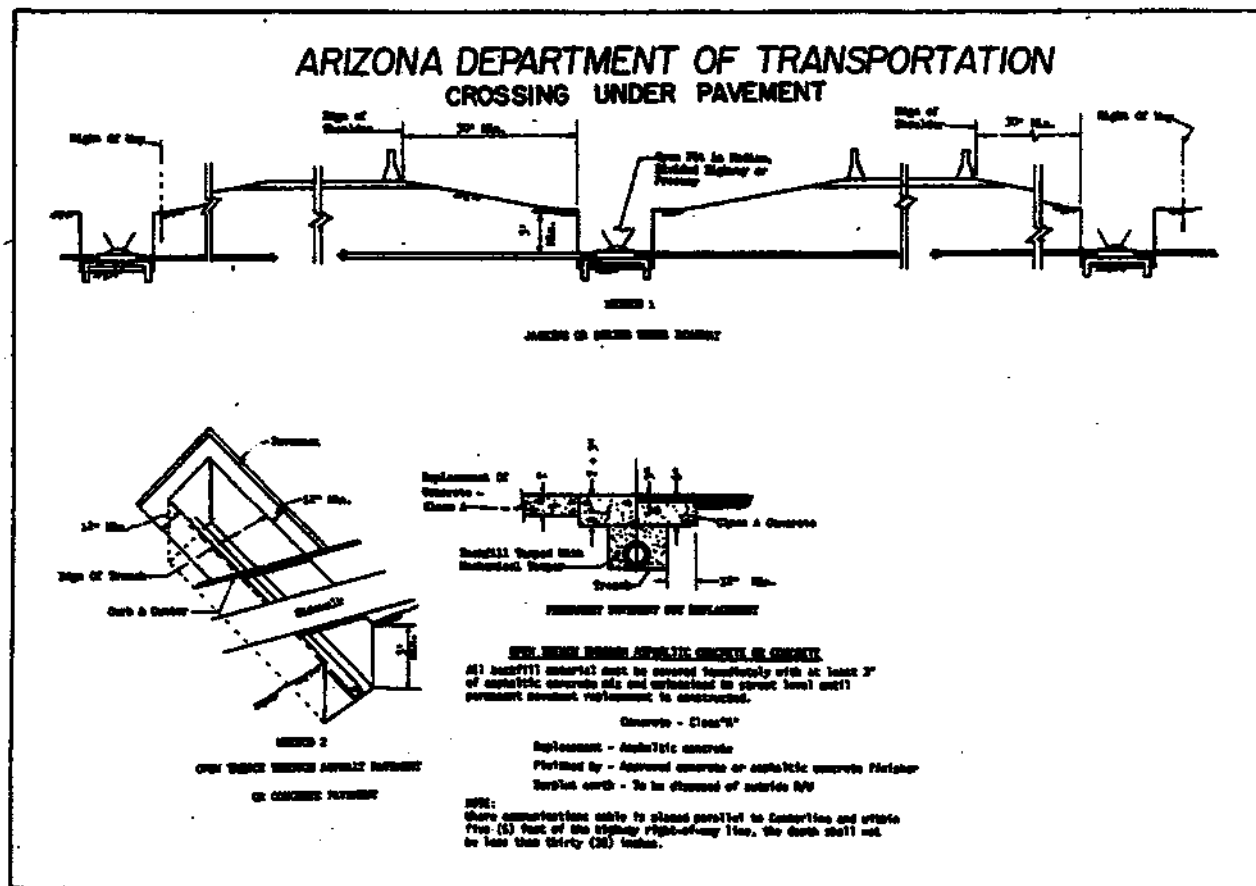
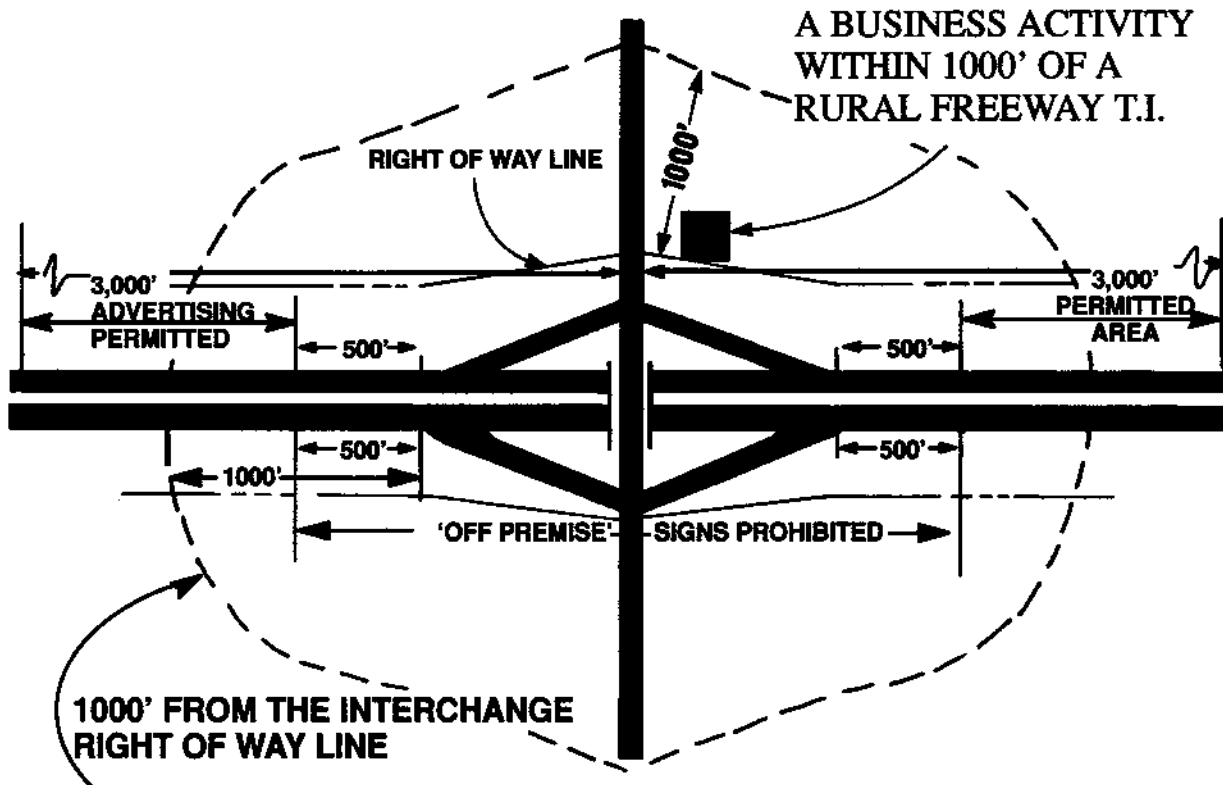
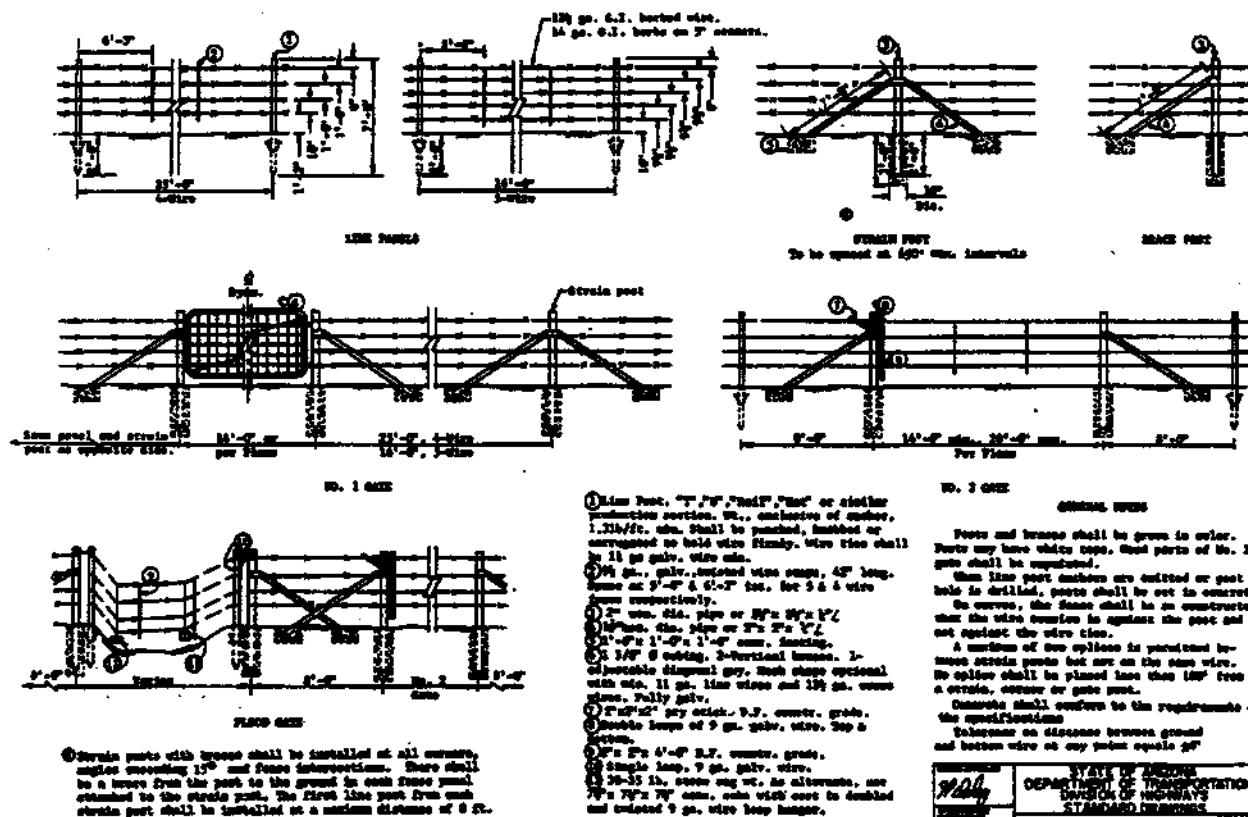


EXHIBIT 5

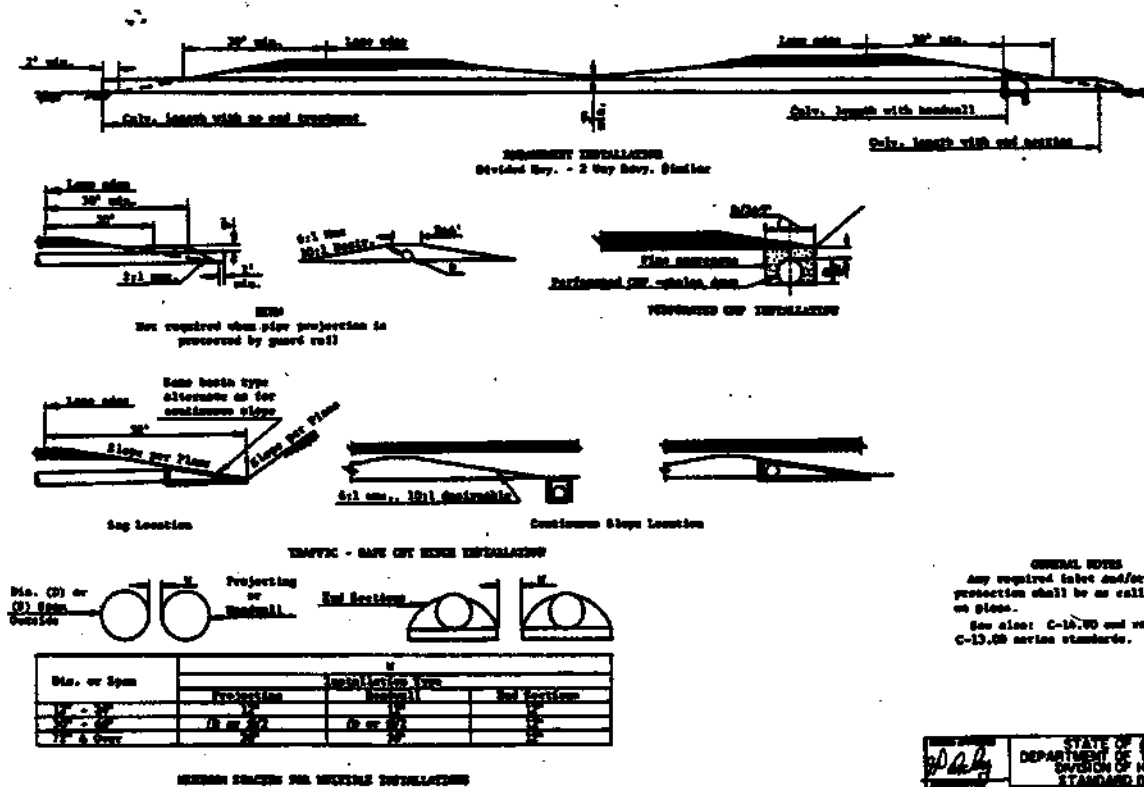
**BUSINESS AREA  
AT RURAL FREEWAY INTERCHANGE**



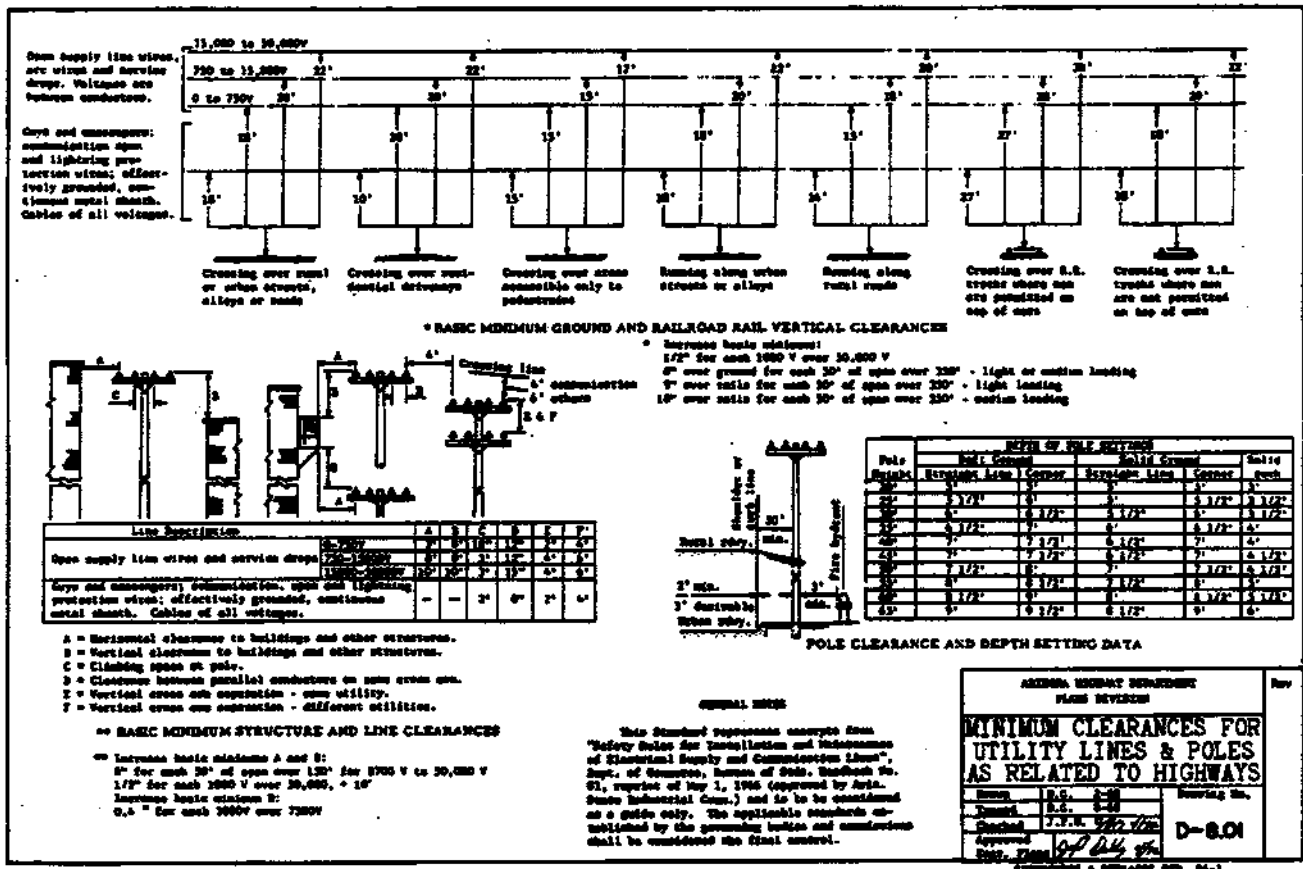
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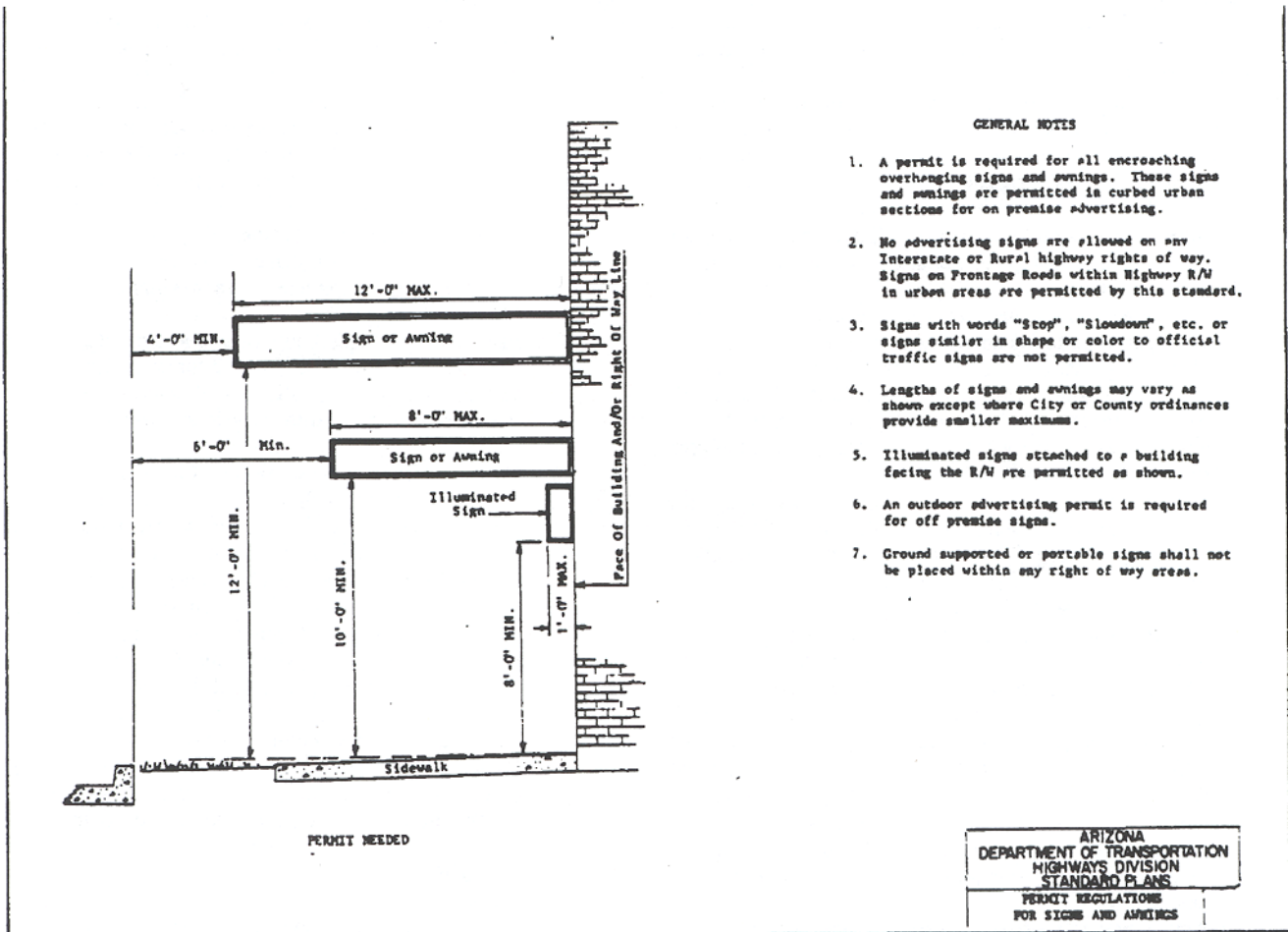
## EXHIBIT 7



## EXHIBIT 8



## EXHIBIT 9



### Historical Note

Adopted effective September 9, 1977 (Supp. 77-5). Amended effective May 11, 1981 (Supp. 81-3). Former Section R17-3-712 renumbered without change as Section R17-3-702 (Supp. 88-4).

**R17-3-703. Arizona Junkyard Control**

- A. Purpose.** The purpose of this Section is to describe the Arizona Department of Transportation's responsibility to effectively control junkyards within 1000 feet of the right-of-way on interstate highways under A.R.S. §§ 28-7941 through 28-7946.
- B. Definitions.** For purposes of this Section:
1. "Department" means the Arizona Department of Transportation.
  2. "Director" means the Director, Arizona Department of Transportation or the Director's designated representative.
  3. "Screening" means the use of vegetative planting, fencing, masonry wall or other constructed structure, earthen embankment, or a combination of any of these that effectively hides from view a deposit of junk from the main-traveled way.
  4. "Screening license" means a license issued by the Director as required by A.R.S. § 28-7943 and as described in this Section.
  5. "Unzoned industrial area" means the same as in A.R.S. § 28-7901(11).
- C. Screening license application procedure.**
1. Screening license required. The Department requires a screening license for a junkyard that:
    - a. Was established or expanded after July 1, 1974;
    - b. Is located within 1000 feet of the nearest edge of the right-of-way of the interstate highway system;
    - c. Is within view of the main-traveled way of the interstate highway system; and
    - d. Is not located in a zoned or unzoned industrial area.
  2. Screening license form. An applicant shall use the Department "junkyard permit application" form to apply for a screening license, and provide the following information:
    - a. Name, address, and telephone number of the owner;
    - b. Legal description of the land where the junkyard to be screened is located;
    - c. Name and address of the junkyard business;
    - d. Location of the junkyard, including:
      - i. The highway route number,
      - ii. Distance, in feet, to nearest highway milepost,
      - iii. Distance, in feet, from the highway right-of-way to the junkyard boundaries.
    - e. Zoning classification of the land where the junkyard is located; and,
    - f. Type, size, and date of establishment of the junkyard.
  3. Application mailed to Permits Manager. An applicant shall mail the completed junkyard permit application, required documentation and the \$25.00 fee, in the form of a check or money order payable to the Arizona Department of Transportation, to:  
 Arizona Department of Transportation  
 Intermodal Transportation Division  
 206 South 17th Avenue, MD 004R  
 Phoenix, AZ 85007  
 Attention: Maintenance Permits Manager, Maintenance Section
  4. Required documentation. Along with the junkyard permit application, an applicant shall submit the following documentation:
    - a. A location diagram or plat of the junkyard area that indicates:
      - i. The highway route number;
      - ii. Distance, in feet, to nearest highway milepost;
      - iii. Physical features such as buildings, bridges, culverts, utility poles, and other stationary improvements or site features that adequately describe the location; and
    - iv. Distance, in feet, from the highway right-of-way to the junkyard boundaries.
  - b. A drawing or plan, drawn to scale, of the junkyard screening design to be used, that includes:
    - i. Plan view;
    - ii. Elevation;
    - iii. Construction details of fencing, berms, and plantings used alone or in combination;
    - iv. If applicable, plant pit size, backfill material to be used, planting and staking details, botanical names of plant materials, plant size at the time of planting, and the spacing between plants; and
    - v. Any details necessary to show design and construction materials to be used.
5. Extensions. A request for an extension shall be in writing. The Department shall grant a 60 day extension in the following circumstances:
- a. If an applicant requests an extension for completion of screening within 90 days after the Department approves a screening license; and
  - b. If the Department gives a junkyard owner a violation notice and the junkyard owner requests an extension to submit the screening application within 60 days of receiving the violation notice.
6. License issuance or denial.
- a. The Department shall grant an application for a screening license only if the application complies with all requirements of A.R.S. §§ 28-7941 through 28-7946 and this Section.
    - i. A junkyard owner has 180 days from the date of approval to screen the junkyard.
    - ii. The Department shall field check each approved license to ensure compliance with the screening requirements of A.R.S. §§ 28-7941 through 28-7946, and this Section.
  - b. If the Department denies an application because the screening plan does not comply with A.R.S. §§ 28-7942 through 28-7946 or this Section, an applicant may, within 10 days of the denial, request permission in writing to submit an amended application and amended screening plan without paying an additional fee.
  - c. A junkyard owner who fails to complete the junkyard screening within 180 days from approval of the screening license, or other prescribed period, may be found guilty under subsection (D)(9).
7. Invalidation of screening license. An existing screening license shall become invalid at a previously approved location when the junkyard is enlarged or substantially changed in use so that the screening no longer adequately screens the junk. An owner shall apply for a new and separate screening license.
8. Transfer of screening license. To transfer a screening license upon sale of a junkyard, a new owner shall submit to the Department written notification of sale within 30 days after date of sale. Upon sale of a junkyard, the new owner shall continue all screening maintenance.
- D. Screening.**
1. Purpose. This subsection describes the requirements governing the location, planting, construction, and maintenance.

- nance, of materials used in screening junkyards as required in A.R.S. § 28-7942(D).
2. Junkyard expansions. A junkyard owner shall be responsible for any expense to expand an existing junkyard screen. Screening expansions shall be aesthetically compatible, as the Director determines, with existing screens.
  3. Screening location. Fences and screens shall be located so as not to be hazardous to the traveling public. New junkyards and expansions shall have screens in place before any junk is deposited.
  4. Acceptable screening. When fencing is used alone or in combination with plant material, the fencing shall be capable of screening the junk entirely from view. When planting is used alone or in combination with an earthen berm, the number, type, size, and spacing of the plants shall be capable of screening the junk entirely from view, as determined by the Department.
  5. Acceptable fencing materials. Acceptable fencing includes: steel or other metals; durable woods such as heart cypress, redwood, or other wood treated with a preservative; and walls of concrete block, brick, stone, or other masonry. Metal fencing shall be stained, colored, coated, or painted to blend into surroundings and be aesthetically unobtrusive.
  6. Acceptable plant materials. Plant materials used shall be predominantly evergreen. In general, the minimum size of plant materials used shall be equal to five-gallon containers. An applicant may obtain a list of acceptable plant materials from the Department.
  7. Screening maintenance. A junkyard owner shall ensure that screening does not enter the right-of-way. A junkyard owner shall maintain all screening in good condition by:
    - a. Maintaining fences, walls, or other structural material in good appearance by timely painting and repair.
    - b. Adequately watering, cultivating, mulching, or giving other maintenance to plant material, including spraying for insect control, to keep the planting in healthy condition; and
    - c. Removing all dead plant material immediately and replacing it promptly during the following planting season. Replacement plants shall be at least as large as the initial planting as approved on the screening license.
  8. Abandoned, destroyed, or voluntarily discontinued junkyards. A junkyard that ceases to operate for a period of one year or longer, shall comply with A.R.S. § 28-7943 and obtain a screening license to be reopened.
  9. Violation.
    - a. The Department shall issue a violation notice to a junkyard owner for failing to comply with A.R.S. §§ 28-7941 through 28-7946. A junkyard owner shall have 60 days from the date the violation notice is issued to apply for a screening license and submit a screening plan for the Department's review and approval.
    - b. A person who violates any provision of A.R.S. §§ 28-7941 through 28-7946 or this Section for junkyard control can be found guilty of a misdemeanor under A.R.S. § 28-7946.

#### Historical Note

Adopted effective September 7, 1979 (Supp. 79-5).  
Amended effective June 13, 1980 (Supp. 80-3). Former Section R17-3-713 renumbered without change as Section R17-3-703 (Supp. 88-4). Amended by final rulemaking at 8 A.A.R. 844, effective February 8, 2002 (Supp.

02-1).

## ARTICLE 8. ARIZONA PARKWAYS AND HISTORIC AND SCENIC ROADS

### R17-3-801. General Provisions

The following definitions apply:

"Corridor Management Plan (CMP)" means a written document developed with public involvement that specifies the actions, procedures, controls, operational practices, and administrative responsibilities and strategies to manage and protect the resources of a designated road.

"Department" means the Arizona Department of Transportation.

"Designate" means to grant status as a parkway, historic road, or scenic road to certain physical boundaries of a road or area under A.R.S. §§ 41-512 through 41-518.

"Interstate highway" has the meaning in A.R.S. § 28-7901(4).

"PHSRAC" means the Arizona Parkways, and Historic and Scenic Roads Advisory Committee.

"Road" means any federal, state, county, Indian, or municipal roadway or right-of-way.

"Request" means a written statement submitted to PHSRAC by an agency, group, or individual to ask PHSRAC to consider an initial assessment to recommend certain road segments for a designated road.

"Resources" means the cultural, natural, scenic, or historic qualities of a requested parkway or historic or scenic road.

"State highway" has the meaning in A.R.S. § 28-101(47).

"Viewshed" means the three visual areas that can be seen from a specific stopping point on or near a roadway, comprised of the:

Foreground (the area up to one-third mile from the edge of the roadway where individual parts of a plant are distinguishable);

Middleground (the area beginning one third from the edge of the roadway and extending to three miles from the roadway where individual plants are distinguishable); and

Background (the area more than three miles from the roadway, where individual plants are indistinguishable but are visible as vegetative cover).

#### Historical Note

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3). Amended by final rulemaking at 10 A.A.R. 2073, effective July 6, 2004 (Supp. 04-2).

### R17-3-802. Meetings and Organization of PHSRAC

#### A. Chairperson.

1. At the first meeting of the fiscal year, PHSRAC shall elect a chairperson and vice chairperson. The chairperson and vice chairperson shall assume the duties of office at the close of the first meeting.
2. If the chairperson or vice chairperson resigns or vacates the office before the term expires, PHSRAC shall elect a replacement to serve the remainder of the term at the next scheduled meeting.
3. The chairperson shall preside at all meetings, appoint subcommittees of PHSRAC, and perform other duties as necessary to the office of chairperson.
4. If the chairperson is absent or incapacitated, the vice chairperson shall exercise the duties of the chairperson.

**B. Meetings.**

1. PHSRAC shall meet at least once each six months at a time and place designated by the chairperson.
2. The chairperson, the vice chairperson with the chairperson's approval, or any six members of PHSRAC may call a meeting as necessary to conduct PHSRAC's business.
3. PHSRAC shall notice all meetings as prescribed in A.R.S. Title 38, Article 3.1.

**C. PHSRAC's decisions become effective by a majority vote of attending members if a quorum is present. A quorum consist of six or more members of PHSRAC present at a meeting convened under A.R.S. Title 38, Article 3.1.****Historical Note**

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3). Amended by final rulemaking at 10 A.A.R. 2073, effective July 6, 2004 (Supp. 04-2).

**R17-3-803. Request to Designate a Road****A. Any agency, group, or individual may request PHSRAC to recommend that the Transportation Board designate a road. An applicant agency, group, or individual shall submit a written request to the Chairman of PHSRAC, care of the Department. The request shall identify the applicant and state the road segment to be included in a proposed designated road.****B. At a meeting convened under A.R.S. Title 38, Article 3.1, PHSRAC shall conduct an initial assessment of the request based on the factors in R17-3-804(A). PHSRAC shall decide by majority vote whether to allow the applicant to submit an application and report as described in subsection (C).****C. If PHSRAC approves an initial assessment, PHSRAC shall provide the applicant with a copy of the "Application Procedures for Designation of Parkways and Historic or Scenic Roads in Arizona." The applicant shall submit the following:**

1. A written letter of support for designation of the road by the entity having jurisdiction over the road. If the proposed designated road is a state highway, a local community group shall submit the letter of support; and
2. A report that includes the following for the proposed designated road:
  - a. Recommended road segment to be designated;
  - b. Area on either side of the road necessary to protect the historic, cultural, or visual resources of the proposed designated road;
  - c. Adjacent land ownerships;
  - d. Existing major land use along the proposed designated road;
  - e. Area zoning;
  - f. Still photos or other supportive material of outstanding and representative scenery, or other resources;
  - g. Recommendations to protect or enhance the historic, cultural, or visual resources of the proposed designated road;
  - h. Visual impact of existing outdoor advertising; and
  - i. Inventory of resources as prescribed in subsection (D).

**D. An inventory of resources includes the following, as applicable to the proposed designated road:**

1. Natural resources such as geology, hydrology, climate, biota, and topography;
2. Visual resources, including a systematic:
  - a. Selection of appropriate viewsheds,
  - b. Classification of the proposed designated road's scenic elements and viewsheds, and
  - c. Evaluation of the visual quality of each viewshed.
3. Cultural resources, including:

- a. Architectural resources, including structures, landscaping, or other human constructions, that possess artistic merit and represent the architectural class or time period of human achievement;
- b. Historical resources, including sites, districts, structures, artifacts, or other evidence of human activities that represent aspects or events of national, state, or local history;
- c. Archaeological resources, including sites, artifacts, or structures that date from
  - i. Prehistoric or aboriginal periods; or
  - ii. Historic periods, or non-aboriginal activities for which only vestiges remain; and
- d. Cultural development resources, including:
  - i. Political or governmental development,
  - ii. Social or cultural impact on civilization in the proposed area, or
  - iii. Technological or economic impact of civilization in the proposed area.

**E. For a proposed designated road that is part of the Arizona state highway system, the Department shall prepare the report required in subsection (C)(2).****F. The Department shall submit the inventory of resources to the Arizona Historical Advisory Committee of the Arizona State Library, Archives, and Public Records for its evaluation of the value of any historical resource of a proposed designated road.****Historical Note**

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 2073, effective July 6, 2004 (Supp. 04-2).

**R17-3-804. PHSRAC's Process****A. After receiving all information requested in R17-3-803(C) and (D), PHSRAC shall evaluate the extent and quality of the resources for the proposed designated road. PHSRAC shall consider the following factors in deciding to recommend designation to the Transportation Board:**

1. The memorability of the visual impression from contrasting landscaping elements;
2. The integrity of the visual order in the natural and human-built landscape, and the extent to which the landscape is free from visual encroachment;
3. The degree to which visual aspects of the landscape elements join to form a harmonious, composite, and visual pattern;
4. Degree of the historical or cultural contribution to the area, state, or nation;
5. Proximity and access of the proposed designated road to the historical place or area;
6. Sufficient land area for a parkway to accommodate visitor facilities; and
7. Evaluation by the Arizona Historical Advisory Committee.

**B. At a meeting convened under A.R.S. Title 38, Article 3.1, PHSRAC shall discuss and vote on a recommendation for designation of a road to the Transportation Board. PHSRAC shall:**

1. Approve and recommend a designation by a majority vote, or
2. Deny a request for designation.

**C. If PHSRAC approves and recommends designation, PHSRAC shall submit the recommendation to the Director to present to the Transportation Board. The Transportation Board has sole authority to designate a road as a parkway, historic, or scenic road**

**Historical Note**

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 2073, effective July 6, 2004 (Supp. 04-2).

**R17-3-805. Reconsideration of PHSRAC's Decision**

- A. If PHSRAC denies a request to designate a proposed road at the initial assessment stage, as described in R17-3-803(B), the agency, group, or individual that requested designation may prepare and submit an application and report under R17-3-803(C) to PHSRAC at its own cost. The agency, group, or individual shall submit the application and report within one year from the date of PHSRAC's decision denying the request.
- B. If PHSRAC denies an application to designate a road, the agency, group, or individual may request that PHSRAC reconsider its decision:
  1. The entity requesting reconsideration has 60 days from the date of PHSRAC's decision to present additional information to PHSRAC. Additional information includes data that emphasizes the factors PHSRAC considers in R17-3-804(A), and emphasizes the road's unique features or special qualities that could be protected or enhanced. The Department shall prepare the additional information if the road is a state highway.
  2. PHSRAC shall not reconsider its decision if the entity requesting reconsideration does not submit additional information.
- C. If additional information is presented, PHSRAC shall discuss and vote on the request for reconsideration at a meeting convened under A.R.S. Title 38, Article 3.1.

**Historical Note**

Adopted effective May 30, 1984 (Supp. 84-3). Correction to subsection (C) (Supp. 88-4). Amended effective August 3, 1994 (Supp. 94-3). Amended by final rulemaking at 10 A.A.R. 2073, effective July 6, 2004 (Supp. 04-2).

**R17-3-806. Review of Existing Designated Parkway or Historic or Scenic Road**

- A. Review.
  1. PHSRAC shall review a designated road to compare and ensure that the present conditions and resources comply with the conditions and resources that existed at the time the road was designated in order to ensure continued designation.
  2. PHSRAC shall conduct a review:
    - a. At least every five years from initial designation,
    - b. At the design stage of any construction or reconstruction proposed by the Department or the entity having jurisdiction of the designated road, or
    - c. If the entity having jurisdiction or a local community group recommend deletion of the designated road.
- B. Corridor Management Plan ("CMP").
  1. The Department incorporates by reference the Federal Highways Administration's Notice of FHWA interim policy, published in the Federal Register, 60 F.R. 26759, May 18, 1995, and no later amendments or editions. The incorporated material is on file with the Department.
  2. The entity having jurisdiction or any member of the public shall use the guidelines outlined in the Notice of FHWA interim policy, incorporated by reference in R17-3-806(B)(1), to prepare a CMP.
  3. The entity having jurisdiction or any member of the public shall submit a CMP to PHSRAC as stated in R17-3-803(A), for PHSRAC's review.

4. At a meeting convened under A.R.S. Title 38, Article 3.1, PHSRAC shall discuss and vote on whether to recommend to the Department or the entity having jurisdiction to adopt and implement the CMP, using the guidelines outlined in the Federal Highways Administration's Notice of FHWA interim policy.

**C. Deletion.**

1. Based on its review conducted under subsection (A), PHSRAC shall discuss and vote on a recommendation for deletion of a designated road at a meeting convened under A.R.S. Title 38, Article 3.1.
2. Reconsideration. The entity having jurisdiction of a designated road or a local community group may request that PHSRAC reconsider its decision if PHSRAC recommends deletion of a designated road.
  - a. The entity requesting reconsideration has 60 days from the date of PHSRAC's decision to present additional information to PHSRAC. Additional information includes data that emphasizes the factors PHSRAC considers in R17-3-804(A), and emphasizes the road's unique features or special qualities that could be protected or enhanced. The Department shall prepare the additional information if the road is a state highway.
  - b. PHSRAC shall not reconsider its decision if the entity requesting reconsideration does not submit additional information.
  - c. PHSRAC shall use the procedures described in R17-3-805 to reconsider its decision.
3. PHSRAC shall submit a recommendation for deletion to the Director for the Director to present to the Transportation Board.

**Historical Note**

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3). Amended by final rulemaking at 10 A.A.R. 2073, effective July 6, 2004 (Supp. 04-2).

**R17-3-807. Approvals and Agreements Between Agencies for Designation**

If the Transportation Board designates a road that is not a state highway, the designation becomes effective after the Department and the entity having jurisdiction complete an interagency agreement and file the agreement with the Secretary of State. The agreement shall include the following:

1. PHSRAC's resource listing and evaluation for designation as recommended to the Director for the Director's presentation to the Transportation Board,
2. Requirements or recommendations for protecting unique features and resources,
3. Provisions for Department-approved signing,
4. Provisions for an access road or subdivision access to a parkway as restricted under A.R.S. § 41-514(F),
5. Statements regarding the conditions of the designation,
6. Provisions if the Transportation Board deletes a road and cancels an agreement, or
7. Provisions that the Department, the Arizona Parks Board, or the Arizona Historical Society do not have any financial or legal responsibility for another agency or government unit by designating a highway as a parkway or historic or scenic road.

**Historical Note**

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3). Amended by final rulemaking at 10 A.A.R. 2073, effective July 6, 2004 (Supp. 04-2).

**R17-3-808. Construction and Maintenance Standards; Signing**

- A. Under A.R.S. § 41-516, the Department or entity having jurisdiction may allow a design exception effecting construction or maintenance in order to protect and enhance a special feature or unique resource of the designated road, based on engineering judgment and the current standards of the American Association of State Highway and Transportation Officials.
- B. The Department or entity having jurisdiction shall provide signing to identify the designated road, based on the current edition of the Manual on Uniform Traffic Control Devices adopted under A.R.S. § 28-641, and the following criteria:
1. A logo associated with a sign that identifies a designated road shall not be used without PHSRAC's written permission.
  2. The Department shall provide signing identifying a designated state highway depending on the level of fiscal constraint and available funding.
  3. The Department shall not allow signing identifying a designated road on an interstate highway.
  4. PHSRAC and the Director shall review any other signing related to identifying a designated road, such as historical markers, in order to ensure the signing conforms to Department standards and resource character of the road.
  5. A sign shall not visually interfere with or distract from an adjacent traffic control device, or the historic or scenic quality of an area.
  6. Signing identifying the designated road should be as close as practicable to the established termini. Within the designated road, signing shall be at least five miles apart. If the termini of the designated road are less than ten miles apart, no additional signing shall be installed within the designated road.
  7. If a designated road begins or ends at a point at a junction or intersection of another road, the signing for the designated road shall be located beyond the junction and beyond any signing that is installed immediately after the junction or intersection. Signing for the designated road may be incorporated with or into advance guide signing for the other road if spacing allows.
  8. If an intersecting road is a designated road, and the beginning or end is not immediately adjacent to the junction or intersection, any signing shall be located only on the designated road.
  9. If the Transportation Board deletes a road, the Department or entity having jurisdiction shall remove all designation signing.

**Historical Note**

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3). Section repealed; new Section made by final rulemaking at 10 A.A.R. 2073, effective July 6, 2004 (Supp. 04-2).

**R17-3-809. Repealed****Historical Note**

Adopted effective May 30, 1984 (Supp. 84-3). Amended effective August 3, 1994 (Supp. 94-3). Section repealed by final rulemaking at 10 A.A.R. 2073, effective July 6, 2004 (Supp. 04-2).

**ARTICLE 9. HIGHWAY TRAFFIC CONTROL DEVICES****R17-3-901. Signing for Colleges and Universities****A. Definitions.**

"Community College" means a two-year college as described in A.R.S. § 15-1401.

"Department" means the Arizona Department of Transportation.

"Major metro area" means an urban area with a population of at least 50,000.

"Manual on Uniform Traffic Control Devices (MUTCD)" means a national standard for the design and application of traffic control devices published by the U.S. Department of Transportation, Federal Highway Administration and used as the standard for traffic control devices for use upon the streets and highways of the state of Arizona as required by A.R.S. § 28-641.

"Municipality" means an incorporated city or town.

"Nonconforming sign" means an erected sign that does not comply with this Section or A.R.S. § 28-642(D) due to changes in the statutes, rules, or changed conditions. Examples of changed conditions include the reconstruction of a highway, or physical deterioration of a sign.

"Regionally accredited college or university" means a college or university accredited by a regional institutional accrediting association recognized by the Arizona State Board for Private Postsecondary Education.

"Rural area" means all areas other than a major metro area, or an urban area.

"Signing" means standard highway supplemental guide signs as specified in the MUTCD.

"Trailblazing sign" means a sign installed by a local governmental agency, off the state highway, to guide traffic to a college or university.

"Trip" means a one-way commute to or from a college or university, calculated by the Department based on the number of students or dorm beds, using the following equivalents:

One student = 1 1/2 trips

One dorm bed = three trips.

"State University" means a university established and maintained by the Arizona Board of Regents under A.R.S. § 15-1601.

"Urban area" means a municipality having a population of at least 15,000 but less than 50,000.

- B. Application for signing. A college or university that qualifies under A.R.S. § 28-642(D) may request signing by submitting a letter on its letterhead to the Department's State Traffic Engineer. The letter shall contain the following information:
1. Name of college or university;
  2. Complete street address;
  3. Names of agencies granting accreditation;
  4. Number of students;
  5. Number of dormitory beds, if applicable; and
  6. Signature of an individual authorized to sign for the college or university.
- C. Requirements. To be considered for signing, a college or university that qualifies under A.R.S. § 28-642(D) shall satisfy the following:
1. Is on a road that intersects a state highway. If a college or university is on a road that does not intersect a state highway, it still may qualify if:
    - a. The governing political subdivision submits to the Department, within 30 days from the Department's receipt of the request for signing, written confirmation stating that the governing political subdivision will install and maintain trailblazing signs; and,

- b. The governing political subdivision installs trail-blazing signs before the Department places signing on the state highway.
- 2. Meets all the requirements under subsection (C)(2)(a), (C)(2)(b), or (C)(2)(c).
  - a. If in a major metro area:
    - i. Generates at least 4000 trips per weekday.
    - ii. Is three miles or less from a state highway, except the distance may be increased 1/4 mile for each 10 percent increase in the required number of trips per weekday to a maximum of five miles.
  - b. If in an urban area:
    - i. Generates at least 2000 trips per weekday.
    - ii. Is four miles or less from a state highway, except the distance may be increased 1/4 mile for each 10 percent increase in the required number of trips per weekday to a maximum of five miles.
  - c. If in a rural area:
    - i. Generates at least 1000 trips per weekday.
    - ii. Is five miles or less from the state highway, except the distance may be increased 1/4 mile for each 10 percent increase in the required number of trips per weekday to a maximum of 15 miles.
- D. Exceptions to standards. The Department may place supplemental guide signs on state highways to direct traffic to colleges and universities. The Department shall determine whether to place supplemental guide signs for a college or university based on the specific criteria and the guidelines in the MUTCD.
- E. Nonconforming signs. The Department may remove a nonconforming sign if:
  - 1. Other signs have greater priority under the criteria in the MUTCD,
  - 2. Physical spacing of signs is limited for an upcoming interchange or intersection, or
  - 3. A greater number of trips are generated by the subject of other guide signs.
- F. Only the initial, main campus of a qualifying college or university may qualify for signing, unless otherwise permitted by statute.

#### Historical Note

Adopted effective May 7, 1991 (Supp. 91-2). Amended by final rulemaking at 8 A.A.R. 3838, effective August 12, 2002 (Supp. 02-3).

#### R17-3-902. Logo Sign Program

##### A. Definitions.

“Attraction” means any of the following:

“Arena” means a facility that has a capacity of at least 5,000 seats, and is a:

Stadium or auditorium;

Track for automobile, boat, or animal racing; or

Fairground that has a tract of land where fairs or exhibitions are held, and permanent buildings that include bandstands, exhibition halls, and livestock exhibition pens.

“Cultural” means an organized and permanent facility that is open to all ages of the public, and is a:

Facility for the performing arts, exhibits, or concerts; or

Museum with professional staff, and an artistic, historical, or educational purpose, that owns or uses tangible objects, cares for them, and exhibits them to the public.

“Educational” means a facility that is a:

Community college, regionally accredited college or university, or state university as defined in R17-3-901(A). Educational excludes a business or research park affiliated with a college or university;

Scientific institution, designated research area, or site of specialized research techniques and apparatus that is accredited by a nationally recognized accreditation educational agency and conducts regular tours; or

Zoological or botanical park that houses and exhibits living animals, insects, or plants to the public.

“Golf course” means a facility offering at least 18 holes of play. Golf course excludes a miniature golf course, driving range, chip-and-putt course, and indoor golf.

“Historic” means a structure, district, or site that is listed on the National or Arizona Register of Historic Places as being of historical significance, and includes an informational device to educate the public as to the facility’s historic features.

“Mall” means a shopping area with at least 1,000,000 square feet of retail shopping space.

“Recreational” means a facility for physical exercise or enjoyment of nature that includes at least one of the following activities: walking, hiking, skiing, boating, swimming, picnicking, camping, fishing, playing tennis, horseback riding, skating, hang-gliding, taking air tours, and climbing;

“Business” means an entity that provides a specific service open for the general public, is located on a roadway within the required distance of an interstate or rural state highway, and is a primary or secondary business.

“Community logo plan” means a project aspect of the rural logo sign program, agreed to by the Department, the contractor, and a municipality outside an urbanized area to place specific service information signs on a rural state highway for the municipality.

“Contract” means a written agreement between the Department and a contractor to operate a logo sign program that describes the obligations and rights of both parties.

“Contractor” means a person or entity that enters into an agreement with the Department to operate a logo sign program and that is responsible for marketing, furnishing, installing, maintaining, and replacing specific service information signs.

“Department” means the Arizona Department of Transportation.

“Director” means the Director of the Arizona Department of Transportation or the Director’s designee.

“Exit ramp” means a roadway by which traffic may leave a controlled access highway to another highway.

“Food court” means a collective food facility that exists in one contiguous area and contains a minimum of three separate food service businesses.

“Highway” has the meaning in A.R.S. § 28-101(49).

“Interchange” means the point at which traffic on a system of interconnecting roadways that have one or more grade separations, moves from one roadway to another at a different level.

“Intersection” has the meaning in A.R.S. § 28-601(7).

“Interstate highway” has the meaning in A.R.S. § 28-7901(4).

“Interstate logo sign program” means a system to install and maintain specific service information signs on certain portions of an interstate highway as provided in A.R.S. § 28-7311(A).

“Lease agreement” means a written contract between a contractor and a responsible operator to lease space for a responsible operator’s logo sign on a contractor’s specific service information sign.

“Logo sign” means part of a specific service information sign consisting of a lettered board attached to a separate rectangular panel, and that displays an identification brand, symbol, trademark, name, or a combination of these, for a responsible operator.

“Major decision point” means a location at or before the point at which a rural state highway intersects with another rural state highway or a local roadway, that is within a municipality (except an urbanized area), and that the Department determines to be the point at which a driver must make a decision whether to stay on the highway or turn off onto the other highway or local roadway.

“Municipality” means an incorporated city or town.

“Primary business” means:

A gas service business that is within three miles of an intersection or exit ramp, and is in continuous operation to provide services at least 12 hours per day, seven days per week;

A food service business that is within three miles of an intersection or exit ramp terminal, is open for operation no later than 7:00 a.m., provides seating for at least 20, and is in continuous operation to provide service at least three meals per day (breakfast, lunch, and dinner) at least six days per week;

A lodging service business that is within three miles of an intersection or exit ramp terminal;

A camping service business that is within five miles of an intersection or exit ramp terminal; or

An attraction service business that is within three miles of an intersection or exit ramp terminal.

“Ramp terminal” means the area where an exit ramp intersects with a roadway.

“Responsible operator” means a person or entity that:

Owns or operates a business,

Has authority to enter into a lease, and

Enters into a lease for a logo sign through the interstate or rural logo sign program.

“Rural logo sign program” means a system to install and maintain specific service information signs on a rural state highway outside of an urbanized area, as provided in A.R.S. § 28-7311(B).

“Rural state highway” means any class of state highway, other than an interstate highway, located outside of an urbanized area as provided in A.R.S. § 28-7311(B).

“Secondary business” means a business as follows:

A gas service business that is within 15 miles of an intersection or exit ramp terminal, and in continuous operation to provide services at least eight hours per day, five consecutive days per week;

A food service business that is within 15 miles of an intersection or exit ramp terminal, and is in continuous

operation to serve at least two meals per day (either breakfast and lunch, or lunch and dinner) for a minimum of five consecutive days per week;

A lodging service business that is within 15 miles of an intersection or exit ramp terminal;

A camping service business that is within 15 miles of an intersection or exit ramp terminal; or

An attraction service business that is within 15 miles of an intersection or exit ramp terminal.

“Specific service” means gas, food, lodging, camping, or attraction services.

“Specific service information sign” means a rectangular sign panel that contains the following:

The words “GAS,” “FOOD,” “LODGING,” “CAMPING,” or “ATTRACTION,”

Directional information; and

One or more logo signs.

“Straight-ahead sign” means a specific service information sign that provides additional directional guidance to a location, route, or building located straight ahead on a roadway, and that is located before a junction that is a major decision point.

“Trailblazing sign” means a specific service information sign that provides additional directional guidance to a location, route, or building from another highway or roadway.

“Urbanized area” has the meaning in A.R.S. § 28-7311(D).

**B. Logo sign program administration.**

1. The Department shall solicit offers, as provided in A.R.S. §§ 41-2501 through 41-2673, to select a contractor to operate a logo sign program.
2. The Department may contract separately for each program.
3. The contract shall specify the standards that a contractor shall use including the following:
  - a. Manual on Uniform Traffic Control Devices, USDOT/FHWA, current edition as adopted by the Department;
  - b. Arizona Department of Transportation Traffic Control Supplement, 1996 edition; and
  - c. Arizona Department of Transportation Standard Specifications, 2000 edition.
4. The Department shall approve the form of any lease agreement between the contractor and a responsible operator. The lease agreement shall include, by reference, the terms and conditions of the Department’s contract with the contractor under A.R.S. §§ 41-2501 through 41-2673.

**C. Eligibility criteria for businesses.**

1. Any business is ineligible for a logo sign if it already has a highway guide sign installed by the Department.
2. Gas service business. To be eligible to place a logo sign, a gas service business shall:
  - a. Provide fuel, oil, and water for public purchase or use;
  - b. Provide restroom facilities and drinking water; and
  - c. Provide a telephone available for emergencies to the public during hours of operation.
3. Food service business. To be eligible to place a logo sign, a food service business shall:
  - a. Provide restroom facilities for customers;
  - b. Provide a telephone available for emergencies to the public during hours of operation; and
  - c. If a food service business is part of a food court located within a shopping mall, the shopping mall

may qualify as the responsible operator if the food court:

- i. Complies with subsection (C)(3), and
- ii. Has clearly identifiable on-premise signing consistent with the logo sign that is sufficient to guide motorists directly to the entrance to the food court.

4. Lodging service business. To be eligible to place a logo sign, a lodging service business shall:
  - a. Provide five or more units of sleeping accommodations, and
  - b. Provide a telephone available for emergencies to the public during hours the lobby is open for registration.
5. Camping service business. To be eligible to place a logo sign, a business providing camping facilities shall:
  - a. Be able to accommodate all common types of travel trailers and recreational vehicles;
  - b. Be equipped to handle a minimum of 15 travel trailers or recreational vehicles;
  - c. Provide drinking water and a sewer hook-up or dump station; and
  - d. Be available on a year-round basis unless camping in the general area is of a seasonal nature in which case the facilities in question shall be open to the public 24 hours per day, seven days per week during the entire season.
6. Attraction service business. To be eligible to place a logo sign, an attraction service business shall:
  - a. Derive less than 50% of its sales from:
    - i. The sale of alcohol consumed on the premises, or
    - ii. Gambling,
  - b. Derive more than 50% of its sales or visitors during the normal business season from motorists not residing within a 25-mile radius of the business.
  - c. Provide at least 10 parking spaces.
  - d. Provide restroom facilities and drinking water
  - e. Be in continuous operation at least six hours per day, six days per week, except:
    - i. An arena attraction shall hold events at least 28 days annually;
    - ii. A cultural attraction shall be open at least 180 days annually; or
    - iii. An educational attraction shall operate at least six hours per day, five days per week; and
  - f. Have a minimum annual attendance of 5,000, except if the attraction business operates on a seasonal basis, the attraction business shall have a minimum annual attendance of 2,500.

#### D. Ranking.

1. If more than six eligible businesses providing the same specific service request lease space for a logo sign on one specific service information sign, the contractor shall use the following ranking criteria to determine which businesses are awarded a lease:
  - a. The business closest to an intersection or exit ramp terminal shall receive first priority,
  - b. A gas service business or a food service business that provides the most days and hours of service shall receive second priority,
  - c. A food service business that provides the most indoor seating capacity shall receive third priority, and
  - d. A business that does not have an off-premise advertising sign to direct motorists to its business within

five miles of where the specific service information sign is to be located shall receive fourth priority.

2. If two or more businesses have the same ranking in qualifications, the contractor shall award a lease to the first business that requests a logo sign. The contractor shall establish a waiting list for other businesses in sequence of request.
3. The contractor shall not renew the lease of a responsible operator if another eligible business with higher priority requests lease space for a logo sign.

#### E. Secondary businesses.

1. Lease limitations. For a secondary business, the contractor may enter into a lease for up to five years or renew a lease for up to five years, with the following terms:
  - a. The responsible operator is guaranteed a term of two years, providing the responsible operator complies with all other terms of the lease;
  - b. After the two-year period, the contractor shall terminate the lease and remove the logo sign if another eligible business with higher priority requests lease space for a logo sign; and,
  - c. The contractor shall notify the responsible operator at least six months before terminating the lease and removing the logo sign.
2. The contractor shall display the following additional information on a specific service information sign for a secondary business, as space allows, based on the following ranking order:
  - a. Distance,
  - b. Days and hours of operation, and
  - c. Seasonal operation.

#### F. Contractor responsibility.

1. The contractor shall follow all Department design standards and specifications for all sign panels, supports, and materials, as provided in the contract.
2. The contractor shall ensure that a business complies with all criteria established in this Section. The contractor shall not enter into a lease agreement or renew a lease agreement if the criteria are not met. If a responsible operator becomes ineligible for a logo sign, the contractor shall remove the logo sign within 20 days after notifying the responsible operator as provided in the lease.
3. The contractor shall require that a responsible operator certify in writing to the contractor that the responsible operator will comply with all applicable federal, state, and local laws, ordinances, rules, and regulations.
4. The contractor shall not place a specific service information sign so as to obstruct or detract from a traffic control device.
5. The contractor shall not remove or relocate an existing traffic control device to accommodate a specific service information sign without prior written approval by the Department, or a local authority under A.R.S. § 28-643.
6. The contractor shall provide a copy of the signed lease agreement to the responsible operator. The responsible operator shall deliver the logo sign to the contractor for installation, or contract with the contractor to fabricate the logo sign to the responsible operator's and the Department's specifications.
7. The contractor shall return any pre-paid lease payments to the responsible operator if the responsible operator's logo sign is not erected for reasons caused by the Department or the contractor.
8. The contractor shall obtain an encroachment permit under R17-3-702 before erecting a specific service information sign along a state highway.

9. If the contractor requests an encroachment permit under R17-3-702, the Department's staff shall decide the best placement of a specific service information sign and cooperate with the contractor to provide information to the motoring public as prescribed in subsection (E)(2).
10. If a logo sign program is terminated, the contractor shall:
  - a. Notify a responsible operator by certified mail of the termination and the location where the responsible operator may claim its logo sign,
  - b. Remove all sign panels and supports, and
  - c. Refund any lease payments on a prorated basis to each responsible operator.

#### Historical Note

Adopted effective March 22, 1985 (Supp. 85-2).  
 Amended effective April 10, 1987 (Supp. 87-2). Former Section R17-3-911 renumbered without change as Section R17-3-909 (Supp. 88-4). Former Sections R17-3-902 through R17-3-909 renumbered without change as Section R17-3-902 (Supp. 89-1). Amended effective May 3, 1993 (Supp. 93-2). Amended by final rulemaking at 9 A.A.R. 624, effective February 7, 2003 (Supp. 03-1). Amended by final rulemaking at 9 A.A.R. 5047, effective November 4, 2003 (Supp. 03-4).

#### R17-3-903. Special Exception Waiver for Logo Sign Program

For purposes of the logo sign program, the Department shall allow the contractor to install and maintain a specific service information sign on an interstate highway within an urbanized area, as follows:

1. The Department eliminates an exit ramp or interchange from the state highway system, within an urbanized area, as prescribed in R17-3-904(A).
2. The Department shall allow the contractor to install and maintain a specific service information sign at an exit ramp or interchange directly preceding the exit ramp or interchange that will be eliminated.
3. The spacing provisions for a specific service information sign shall be maintained regardless of the space available or the number of businesses.
4. A business may request a logo sign by contacting in writing the District Engineer for the Department's District office where the eliminated exit ramp or interchange is located.
5. A business shall meet all eligibility criteria as prescribed in R17-3-902(C), except for any distance requirement. A business shall:
  - a. Be located directly off of the interstate highway, and
  - b. Have been routinely accessed from the eliminated exit ramp or interchange by having direct access from:
    - i. The crossroad at the eliminated exit ramp or interchange;
    - ii. The frontage road of the interstate at the eliminated exit ramp or interchange, within 1,000 feet of the crossroad; or
    - iii. The frontage road of the interstate at the eliminated exit ramp or interchange, within 1,000 feet of the crossroad, as the frontage road existed before the exit ramp or interchange was eliminated.
6. The business is responsible for fulfilling all other statutory, regulatory, and contractual requirements of the logo sign program.
7. The contractor shall not place a specific service information sign in an urban area for more than three years.

#### Historical Note

Adopted effective March 22, 1985 (Supp. 85-2).

Amended effective April 10, 1987 (Supp. 87-2). Section repealed by final rulemaking at 7 A.A.R. 1021, effective February 8, 2001 (Supp. 01-1). New Section made by final rulemaking at 9 A.A.R. 624, effective February 7, 2003 (Supp. 03-1).

#### R17-3-904. Logo Sign Requirements

- A. Urban area. Except as prescribed in subsection (A)(4) or R17-3-903, the contractor shall not place a specific service information or directional sign on any highway in an urbanized area, which includes the following:
  1. Phoenix:
    - Interstate 10, Agua Fria River bridge to Gila River Indian Reservation boundary (milepost 161.68);
    - Interstate 17, Skunk Creek bridge to junction Interstate 10;
    - State Route 51;
    - US 60, Beardsley Canal to Ellsworth Road (milepost 191.40);
    - State Route 85, 17th Avenue to 15th Avenue;
    - State Route 87, Chandler south city limit (milepost 162.82) to Salt River bridge;
    - State Route 88, US 60 to 200 feet north of Tomahawk Road (milepost 197.50);
    - State Route 101 loop;
    - State Route 143;
    - State Route 153;
    - State Route 202 loop; or
    - State Route 303 loop.
  2. Tucson:
    - Interstate 10, from railroad overpass (milepost 243.33) to milepost 272.00 (between Kolb and Rita traffic interchanges);
    - State Business 19, milepost 59.00 (between Hughes Plant Road and Los Reales Road) to junction Interstate 10;
    - Interstate 19, San Xavier Indian Reservation boundary (milepost 57.96) to junction Interstate 10;
    - State Route 86, milepost 167.83 (between Century Road and Old Ajo Way) to State Business 19;
    - State Route 77, junction Interstate 10 to Oro Valley north city limit (milepost 84.16); or,
    - State Route 210; or
  3. Any other urbanized area with a population of 100,000 or more.
  4. Boundary changes. If the boundaries of an urbanized area, as identified in a subsequent decennial census, are relocated so that an intersection, interchange, or exit ramp is no longer eligible for the logo sign program, the Department shall allow the logo signs within the revised urbanized boundaries to remain until the minimum lease obligations between the contractor and a responsible operator have been fulfilled.
- B. Number of signs allowed. Only four specific service information signs are allowed on an interstate or rural state highway to the approach to an intersection, interchange, or exit ramp, as shown in Illustrations A and B.
  1. Each specific service information sign may contain a maximum of six logo signs.

2. Only one specific service information sign for each category of specific service is allowed on an interstate or rural state highway to the approach to an intersection, interchange, or exit ramp. The contractor may combine categories of specific services as prescribed in subsection (F).
- C. Sign sequence and spacing.**
1. The contractor shall install successive specific service information signs in the direction of travel as shown in Illustrations A and B:
    - a. Camping or Attraction,
    - b. Lodging,
    - c. Food, and
    - d. Gas.
  2. If the approach to an intersection, interchange, or exit ramp on an interstate or rural state highway has insufficient space in a single direction for four specific service information signs, priority shall be in the following order, as shown in Illustration A:
    - a. Gas,
    - b. Food,
    - c. Lodging, and
    - d. Camping or Attraction.
- D. If a responsible operator operates on a seasonal basis, the contractor shall:**
1. Remove or cover the logo sign during the off-season, or
  2. Display the dates of operation, if additional information is not required under R17-3-902(E)(2).
- E. If the Department requires that a specific service information sign be moved due to construction or reconstruction of transportation facilities, or the placement of other signs or traffic control devices, the standards of the Manual on Uniform Traffic Control Devices apply as to the new placement.**
- F. Combination signs.**
1. The contractor may combine two categories of specific services on a specific service information sign, as shown in Illustration C, if:
    - a. The contractor does not reasonably expect that more than three businesses for each service will request a logo sign within five years from the time of installing the combination sign;
    - b. The approach to an intersection, interchange, or exit ramp on an interstate or rural state highway has insufficient space in a single direction for four specific service information signs; or
    - c. Businesses for each of the five categories of specific services request a logo sign.
  2. The contractor shall ensure that a combination sign contains at least one logo sign for each category of specific service displayed.
  3. The contractor shall not display a logo sign on a combination sign if the specific service category advertised by the logo sign already exists on a specific service information sign on the approach to the intersection, interchange, or exit ramp.
- G. Trailblazing signs.**
1. The contractor shall install a trailblazing sign for a responsible operator along a highway if the responsible operator's business is not located on and is not visible from an intersection with the highway as directed from the specific service information sign.
  2. The contractor may locate a trailblazing sign near all intersections where the direction of the route changes or where a motorist may be uncertain as to which road to follow.
  3. A trailblazing sign is limited to six logo signs.
  4. The contractor shall obtain written approval from the local governing authority to install and maintain a trailblazing sign along a highway that is not under the Department's maintenance jurisdiction.
  5. The contractor shall not install a logo sign until all necessary trailblazing signs have been installed.
  6. A trailblazing sign shall indicate by arrow the direction to the responsible operator's business.
  7. A trailblazing sign may:
    - a. Duplicate the logo sign or specific service information sign, or both;
    - b. Consist of two lines of text; or
    - c. Include the category of specific service and distance to the responsible operator's business.
- H. A logo sign shall comply with A.R.S. § 28-648. Descriptive advertising words, phrases, or slogans are prohibited on a logo sign, except:**
1. If a responsible operator does not have an official trademark or logo, the responsible operator may display on its logo sign the name indicated in its partnership agreement, incorporation documents, or other documentation.
  2. Words to identify alternative fuel availability, including "diesel," "propane," "natural gas," and "alcohol" are allowed on a logo sign for a gas service business.

**Historical Note**

Adopted effective March 22, 1985 (Supp. 85-2).  
 Amended effective April 10, 1987 (Supp. 87-2). Section repealed by final rulemaking at 7 A.A.R. 1021, effective February 8, 2001 (Supp. 01-1). New Section made by final rulemaking at 9 A.A.R. 624, effective February 7, 2003 (Supp. 03-1). Amended by final rulemaking at 9 A.A.R. 4132, effective September 9, 2003 (Supp. 03-3). Amended by final rulemaking at 9 A.A.R. 5047, effective November 4, 2003 (Supp. 03-4).

**Appendix A. Repealed****Historical Note**

Adopted effective March 22, 1985 (Supp. 85-2).  
 Amended effective April 10, 1987 (Supp. 87-2). Appendix A repealed by final rulemaking at 9 A.A.R. 624, effective February 7, 2003 (Supp. 03-1).

**Appendix B. Repealed****Historical Note**

Adopted effective May 3, 1993 (Supp. 93-2). Appendix B repealed by final rulemaking at 9 A.A.R. 624, effective February 7, 2003 (Supp. 03-1).

**R17-3-905. Rural Logo Program**

- A.** In addition to R17-3-902 through R17-3-906, the following criteria in this Section apply for the rural logo program:
1. A business is ineligible for a logo sign if the business is visible and recognizable from a rural state highway 300 feet from the intersection.
  2. The contractor shall not install a specific service information sign on a rural state highway less than 300 feet before an intersection from which the services are available.
  3. The spacing between specific service information signs on a rural state highway shall be at least 200 feet.
- B. Community logo sign plan.**
1. The contractor shall develop a community logo sign plan for a municipality that:
    - a. Is not in an urbanized area, and
    - b. Agrees to the placement of logo signs.

2. A representative from the municipality's government or its designee, the contractor, and the Department shall meet, review, and agree to the plan before the contractor markets logo signs to any business.
  3. Either the representative from the municipality's government or the Department may request that the contractor conduct an engineering study to determine the placement of all future specific services information signs, and in relation to existing specific service information signs.
  4. The contractor shall not install a specific service information sign on a rural state highway within the boundaries of a municipality unless the municipality agrees in writing to the community logo plan.
  5. A community logo plan may include subsections (C) and (D).
- C. Additional directional information.**
1. A straight-ahead sign for a responsible operator's business is allowed if:
    - a. The community has two or more intersecting rural state highways, or
    - b. A local road intersects with a rural state highway at a major decision point for motorists.
  2. A specific service information sign may include the name or route number of the rural state highway, city street, or county road on which a responsible operator's business is located either beneath a vertical, left, or right directional arrow or at the top of the specific service information sign.
- D. Services signs.**
1. The contractor may install a specific service information sign that combines three or more categories of specific services and displays the legend "SERVICES" at an approach to an intersection on a rural state highway, as shown in Illustration C, if:
    - a. The contractor reasonably expects three or more categories of specific services to lease a specific service information sign, and
    - b. The contractor reasonably expects the total number of logo signs to be leased will be at least three and not more than six.
  2. The contractor shall install no more than one specific service information sign that displays the legend "SERVICES" on an approach to an intersection.
  3. The contractor shall not display a logo sign on a specific service information sign that displays the legend "SERVICES" if the specific service category advertised by the logo sign already exists on a specific service information sign on the approach to the intersection.

**Historical Note**

Adopted effective March 22, 1985 (Supp. 85-2).  
 Amended effective April 10, 1987 (Supp. 87-2). Section repealed by final rulemaking at 7 A.A.R. 1021, effective February 8, 2001 (Supp. 01-1). New Section made by final rulemaking at 9 A.A.R. 624, effective February 7, 2003 (Supp. 03-1).

**R17-3-906. Existing Leases**

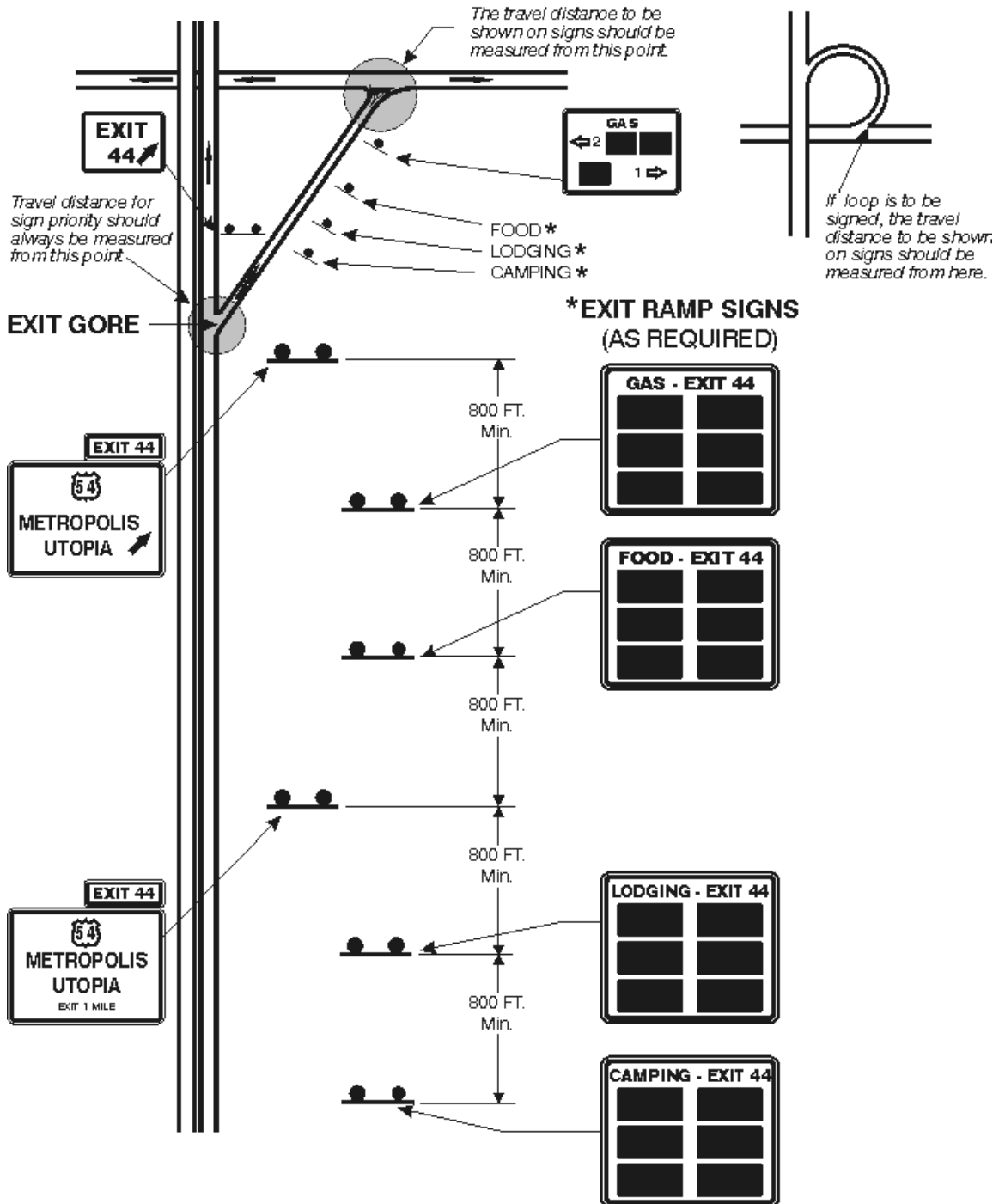
Any change to R17-3-902 through R17-3-905 does not affect a responsible operator's existing lease before the lease expires.

**Historical Note**

Adopted effective March 22, 1985 (Supp. 85-2).  
 Amended effective April 10, 1987 (Supp. 87-2). Section repealed by final rulemaking at 7 A.A.R. 1021, effective February 8, 2001 (Supp. 01-1). New Section made by final rulemaking at 9 A.A.R. 624, effective February 7, 2003 (Supp. 03-1). Amended by final rulemaking at 9 A.A.R. 5047, effective November 4, 2003 (Supp. 03-4).

Illustration A.

## TYPICAL SIGNING FOR SINGLE EXIT INTERCHANGES (INTERSTATE PROGRAM)

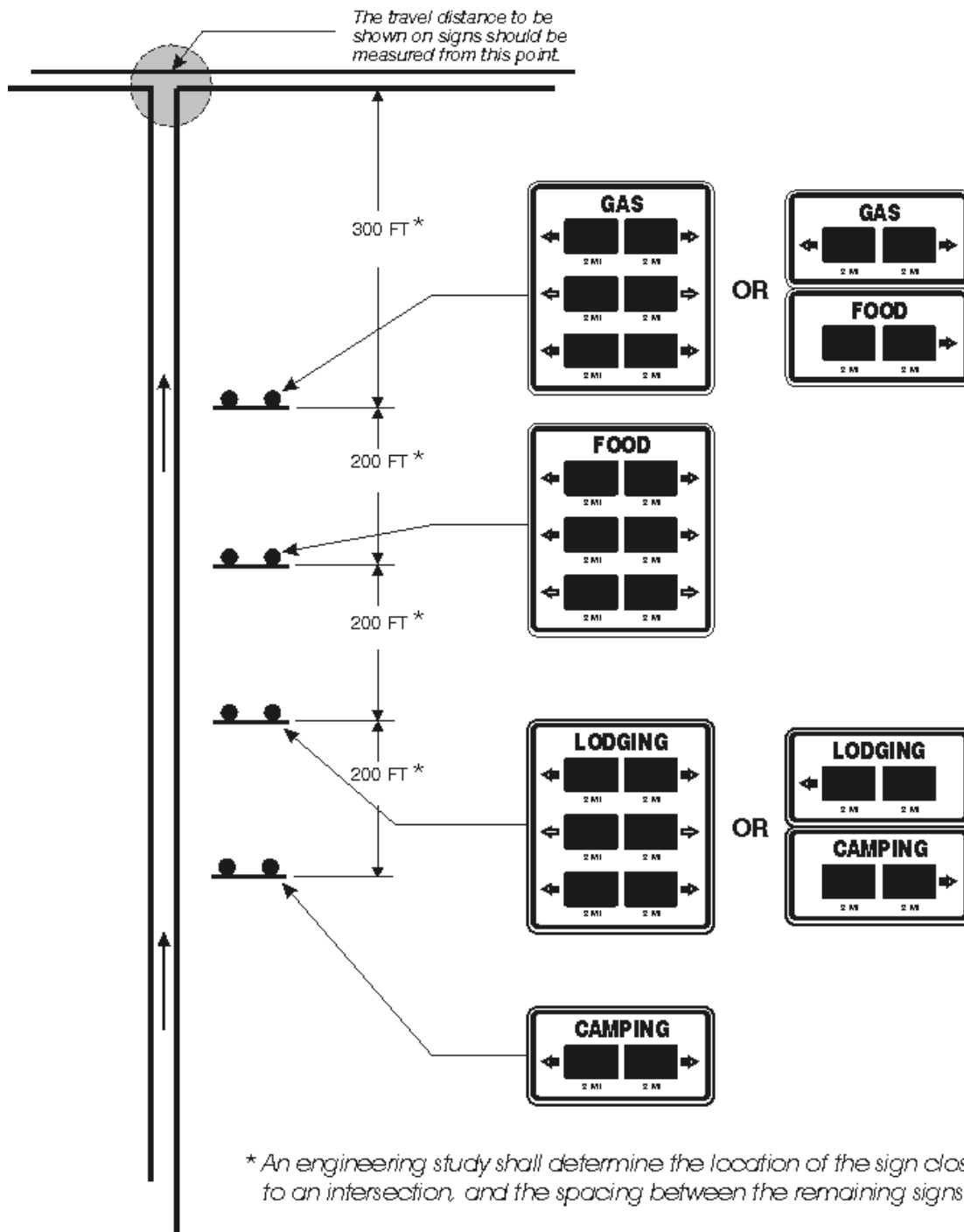


### Historical Note

New Illustration made by final rulemaking at 9 A.A.R. 624, effective February 7, 2003 (Supp. 03-1).

Illustration B.

## TYPICAL SIGNING FOR INTERSECTIONS (RURAL PROGRAM)

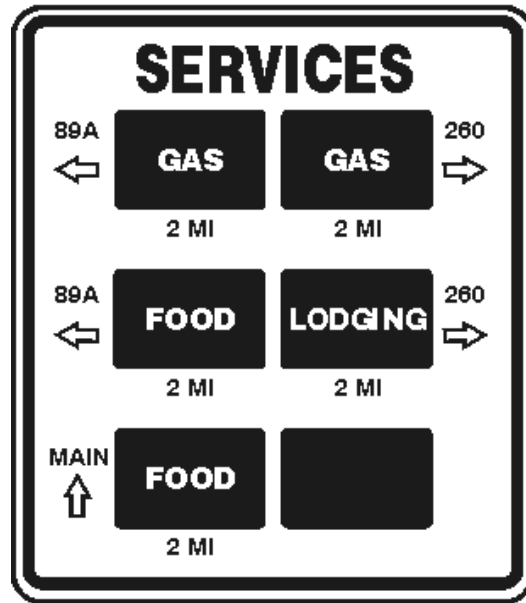


### Historical Note

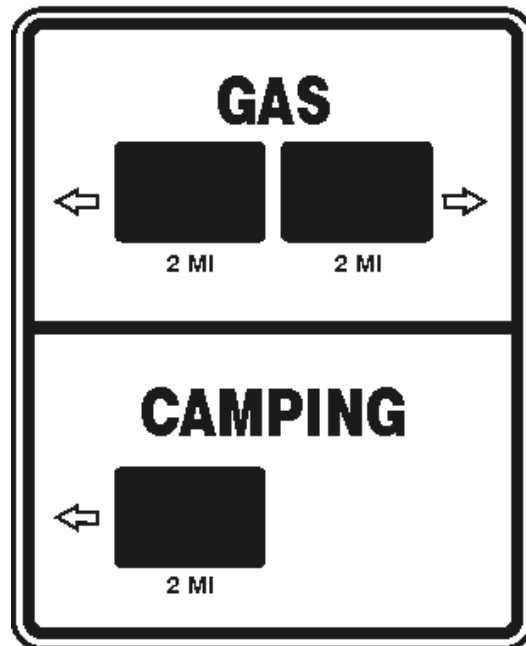
New Illustration made by final rulemaking at 9 A.A.R. 624, effective February 7, 2003 (Supp. 03-1).

Illustration C.

## SERVICES SIGN



## COMBINATION SIGN



### Historical Note

New Illustration made by final rulemaking at 9 A.A.R. 624, effective February 7, 2003 (Supp. 03-1).

**R17-3-907. Repealed****Historical Note**

Adopted effective March 22, 1985 (Supp. 85-2). Former Section R17-3-907 repealed and a new Section R17-3-907 adopted effective June 18, 1987 (Supp. 87-2). Section repealed by final rulemaking at 7 A.A.R. 1021, effective February 8, 2001 (Supp. 01-1).

**R17-3-908. Repealed****Historical Note**

Adopted effective March 22, 1985 (Supp. 85-2). Former Section R17-3-908 repealed and a new Section R17-3-

908 adopted effective April 10, 1987 (Supp. 87-2). Section repealed by final rulemaking at 7 A.A.R. 1021, effective February 8, 2001 (Supp. 01-1).

**R17-3-909. Repealed****Historical Note**

Adopted effective March 22, 1985 (Supp. 85-2). Amended effective April 10, 1987 (Supp. 87-2). Former Section R17-3-911 renumbered without change as Section R17-3-909 (Supp. 88-4). Section repealed by final rulemaking at 7 A.A.R. 1021, effective February 8, 2001 (Supp. 01-1).